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Senate

The Senate met at 10:03 a.m. and was called to order by the Honorable MITCH MCCONNELL, a Senator from the Commonwealth of Kentucky.

PRAYER

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

Let us pray.

Holy One, Uncreated Creator, Light of Light, we praise Your Holy Name. Lord, You are the joy and strength of our lives. You can remove all pain, misery, and strife.

Be for our lawmakers a source of truth. May they view pressing issues in the light of Your precepts, embracing Your wisdom and power. Give them a passion for compassion and joy, as they remember Your desire that they live abundantly.

Continue to shine in all of our hearts, so that neither the shadow of doubt nor the shadow of death can blind us to the light of Your great love.

We pray in Your sacred 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 (Mrs. HYDE-SMITH). The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 12, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MITCH MCCONNELL, a Senator from the Commonwealth of Kentucky, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

TRUMP-KIM SUMMIT

Mr. MCCONNELL. Madam President, just a few hours ago, President Trump, Secretary of State Pompeo, National Security Advisor Bolton, and the rest of the American delegation concluded their summit meeting with North Korean officials.

This was a historic first step in an important negotiation. In the words of the joint statement agreed to by the United States and North Korea, both sides have committed to pursuing a lasting and robust peace regime and complete—complete—denuclearization of the Korean Peninsula.

The next steps in the negotiation will test whether we can get to a verifiable deal that enhances the security of Northeast Asia, our allies, and, of course, the United States.

Resolving this 61-year-old international challenge will take a great deal of hard work. As President Trump explained a few hours ago, ''Today is the beginning of the arduous process. Our eyes are wide open.''

I support the goals contained in the joint statement, and I remain supportive of the administration's stated position as Secretary Pompeo has reiterated: The goal of the United States is the ''complete, verifiable, and irreversible denuclearization of the Korean peninsula.'' If North Korea does not prove willing to follow through, we and our allies must be prepared to restore the policy of maximum pressure.

Today, I congratulate the President on this major step and share his hope that it will begin a process that leads to a historic peace.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. MCCONNELL. Madam President, on a related matter, history clearly shows us that skillful diplomacy, global peace, and a stronger American military are in no way opposed to one another—quite the opposite. These components of America's strength are complementary.

As President Reagan explained, ''Peace does not exist of its own will. It depends on us, on our courage to build it and guard it and pass it on to future generations.'' Yesterday afternoon, the Senate took a step toward doing just that by turning to the John S. McCain 2019 National Defense Authorization Act.

This legislation builds on the landmark bipartisan budget agreement Congress and the President reached earlier this year. That deal established the outlines for the largest year-on-year increase in funding for American Armed Forces in 15 years. Now this NDAA will authorize the use of those resources for the priorities that matter most to the men and women who serve our country and to their commanders who plan for the future.

The legislation will equip our All-Volunteer Force to meet a variety of challenges abroad, but its impact will also be felt right here at home, where servicemembers will receive more top-notch training and expanded support services for themselves and for their families.

The 2019 NDAA includes a pay raise for all Active-Duty personnel—the largest such increase in nearly a decade. It directs billions in new funding to the construction of new family housing and on-base support infrastructure. It expands resources for child and health services as well.

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

I know each of my colleagues can testify to the important roles military installations play in communities all across our country. My fellow Kentuckians and I take great pride in Fort Campbell, Fort Knox, and the Blue Grass Army Depot. We are proud that Kentucky is home base to many outstanding units, such as the 101st Airborne Division and those of Kentucky's Air and Army National Guard units.

In our State, as in every State, the military's presence anchors entire communities and offers a constant reminder of the sacrifices that keep us safe. It is our responsibility to support them. I look forward to delivering that support when the Senate votes on the NDAA later this week.

WISHING LARRY KUDLOW A SPEEDY RECOVERY

Mr. MCCONNELL. Now, Madam President, on another matter, I want to share the Senate's warmest wishes for a speedy recovery for Larry Kudlow, the Director of the National Economic Council and Assistant to the President, who is currently recovering at Walter Reed from what we are told was a small heart attack. Larry is not just a famously happy warrior for pro-growth, pro-opportunity economics; he is also widely regarded as really one of the best guys in Washington. We hope he gets well soon.

TAX REFORM

Mr. MCCONNELL. Now, Madam President, speaking of the economy, by now it is no secret that under the last administration, our Nation's economic recovery was slow, stunted, and almost exclusively focused on the largest urban centers. Between 2010 and 2016, that is where more than 90 percent of the population growth happened; it is where nearly three-quarters of new jobs went. Most everywhere else—in our smaller cities, small towns, and rural areas—families heard a lot of talk about what my Democratic colleagues called an ''economic recovery,'' but they saw few or none of the effects in these small towns and small communities. So it is no surprise that after seeing their communities suffer under 8 years of Democrats' policies, millions of Americans are ready to take a different route. That is why they elected a Republican President and Republican majorities here in Congress. And we set about implementing our agenda to take money and power out of Washington and put it back in the hands of middle-class families and small businesses all across our country.

But even as the positive effects of these policies have become more and more obvious, they continue to encounter near-complete party-line opposition at every turn. I recall that just 2 or 3 days after President Trump signed our historic tax reform into law, several of my colleagues across the aisle were offering some dramatic predictions.

On Christmas Eve last year, the senior Senator from Montana took to the Bozeman Daily Chronicle with a piece titled ''Tax bill a disastrous plan, fails Montana and our future.'' Quite a pronouncement. It reminded me of the Democratic leader of the House. She said our plan to give tax cuts to middle-class families and businesses would bring about ''Armageddon.'' Armageddon.

How are these prognostications holding up? The new Tax Code is causing Northwestern Energy to pass along millions of dollars in savings to Montana utility customers. My friend Senator DAINES recently shared what tax reform already means to Montana small business owners. In Chester, at Stricks Ag, it means bonuses of nearly $1,000 for each employee. In Missoula, at Big Sky Brewing, it means worker bonuses and money to purchase new equipment. The same goes for Cabinet Mountain Brewing in Libby. Over in Thompson Falls, tax reform gave Thompson River Lumber the breathing room to buy their first new forklift in 19 years.

These are the workers and job creators whom Senator DAINES bet on when he voted for tax reform and helped make all of this possible. He voted for Montanans to send less to the IRS and keep more of their own hard-earned money to save or invest as they see fit. It is too bad their senior Senator took the opposite approach and tried to block these tax cuts from happening, let alone that Democratic leaders in both Chambers now say they will repeal tax reform if they get the chance. But Republicans will keep picking up the slack and will keep standing up for the American people.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5515, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 5515) to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal, and for other purposes.

Pending:

Inhofe/McCain modified amendment No. 2282, in the nature of a substitute.

McConnell (for Toomey) amendment No. 2700 (to amendment No. 2282), to require congressional review of certain regulations issued by the Committee on Foreign Investment in the United States.

Reed/Warren amendment No. 2756 (to amendment No. 2700), to require the authorization of appropriation of amounts for the development of new or modified nuclear weapons.

Lee amendment No. 2366 (to the language proposed to be stricken by amendment No. 2282), to clarify that an authorization to use military force, a declaration of war, or any similar authority does not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

CONGRATULATING MITCH MCCONNELL AS THE LONGEST SERVING SENATE REPUBLICAN LEADER

Mr. SCHUMER. Madam President, before I begin my remarks, I wish to congratulate our Republican leader on becoming the longest serving Republican leader in the Senate. My friend Leader MCCONNELL reached that milestone today.

It is no secret we disagree on a whole lot of issues, both political and philosophical, but that doesn't mean we can't or don't work together or that I don't admire the qualities which help make him the longest serving Republican leader.

He understands his caucus and represents them well. He knows how to fight, and he knows how to cooperate. The job is not an easy one so it is a testament to his qualities that he has done it longer than anyone in the history of the Senate.

TRUMP-KIM SUMMIT

Mr. SCHUMER. Madam President, on North Korea, in the early hours this morning, President Trump and Chairman Kim met in Singapore for the first meeting between a sitting U.S. President and the leader of North Korea. It was a welcome improvement to see the two of them having a dialogue rather than engaging in name-calling and saber-rattling. Certainly, Americans feel better about talking than name-calling and threats of war, which had characterized the relationship up until now.

Though we are all rooting for diplomacy to succeed, we must be clear-eyed about what a diplomatic success with North Korea looks like. A diplomatic success would be the complete, verifiable, irreversible denuclearization of the Korean Peninsula—nothing less. Why do we say that? It is not to make any political points, but a nuclear North Korea with ICBMs probably presents a greater danger to the United States and the safety and well-being of

our country than any other in the world. It is imperative that we actually get action here, not just photo ops. Previous negotiations have sought the same goal, with good reason. In 1994 and 2005, those negotiations yielded agreements that were, in fact, much more rigorous than the initial communique issued by President Trump and Chairman Kim. This communique lists denuclearization as a far-off goal but includes no details about a pathway to achieving it; no details about how the United States might verify that North Korea has disarmed when they repeatedly lied in the past; no details about stopping the enrichment of plutonium and uranium; no details even about the definition of complete denuclearization, which has been a main point of contention in previous negotiations.

Unfortunately, the entire document is short on details. As we have learned, in the wake of the collapse of the 1994 and 2005 agreements, North Korea is liable to backtrack on vague commitments as soon as it is in its interest. Chairman Kim, like his father before him, has a history of backing away from agreements. There is a great fear now that Chairman Kim has won a major concession from the United States of a meeting with our President, he may not go any further.

Now, as then, we must be wary of this probability. When trust is lacking, it is best not to dive in headfirst and hope for the best but rather to work slowly, transparently, and verifiably to build trust and lock in concessions. It is worrisome—very worrisome—that this joint statement is so imprecise.

What the United States has gained is vague and unverifiable at best; what North Korea has gained, however, is tangible and lasting. By granting a meeting with Chairman Kim, President Trump has granted a brutal and repressive dictatorship the international legitimacy it long craved. The symbols that were broadcast all over the world last night have lasting consequences for the United States, for North Korea, and the entire region.

For the United States, it is permanent proof that we have legitimized a brutal dictator who has starved his own people. For North Koreans, to have their flags astride those of the United States, it is a clear symbol that they are to be respected and belong among the community of nations, and their sins at home and abroad are beginning to be forgiven. If the United States is unable to win concrete, lasting concessions from North Korea, the meeting alone will be a victory for Kim Jong Un and a defeat for President Trump.

Even more troubling, only an hour ago, President Trump agreed to freeze joint military exercises with South Korea—a legal activity—in exchange for the mere hope that North Korea will freeze its illegal nuclear testing regime. Alarmingly, President Trump called our military exercises with South Korea provocations. That is something North Korea would say, not South Korea or the United States.

Again, it seems the President has undercut our foreign policy by drawing a false equivalency between joint military exercises with our allies and the nuclear testing of a rogue regime.

Ultimately, if this is the result, it will have failed President Trump's own standard. The President has said that ''if North Korea doesn't denuclearize, that will not be acceptable.'' President Trump has not made much progress toward that goal yet and has given up substantial leverage already: the leverage of joint military exercises and the leverage of an audience with the President of the United States.

Imagine for a moment if a Democratic President had gone to North Korea in similar circumstances and came away with little more than a handshake and a photo op. Imagine if a Democratic President had placed the flag of the United States next to the flag of North Korea and met a dictator on equal terms. The commentators of the rightwing media and, in fact, the entire Republican Party would be shouting grave warnings about the end of American leadership and the belittling of our country, about selling out and appeasement.

We Democrats do not see it this way. We remain supportive of American diplomatic efforts, in general, but are focused on significant, substantive concerns with President Trump's preliminary arrangement with North Korea. We want to see these efforts succeed and ensure that what has just transpired was not purely a reality show summit.

Here in the Senate, we Democrats believe that means five things. First, North Korea must dismantle or remove every single one of its nuclear, chemical, and biological weapons. Second, North Korea must end the production and enrichment of uranium and plutonium for military purposes and permanently dismantle its nuclear weapons infrastructure. That means test sites, all nuclear weapons research and development facilities, and enrichment facilities all have to be destroyed. Third, North Korea must continue to suspend all ballistic missile tests. Fourth, North Korea must commit to anytime, anywhere inspections for both its nuclear and ballistic missile programs, including all nondeclared suspicious sites. If inspectors reveal any violation, we must be permitted to implement snapback sanctions. Lastly, any agreement between the United States and North Korea must be permanent.

Let us hope this is not the final chapter in diplomacy with Pyongyang. President Trump and his team must take stock in what has happened, what North Korea has achieved, and what we have yet to achieve and pursue again a tougher course. For the sake of our national security, our interests abroad, and the safety of the American people, the United States can settle for no less than the certifiable, permanent denuclearization of North Korea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Madam President, I come to the floor to make amendment No. 2400 pending, but it is my understanding that we are almost at an agreement on the hotline.

This bill has cleared committee by voice vote and by my colleagues on the Republican side by the hotline. However, my minority counterparts have had months to look at this bill, but it has remained held up on the hotline. The bill passed the House with unanimous support and has been included in the House's NDAA bill. I call on my colleagues across the aisle to clear this bill or else I will fight for a vote on it in the NDAA.

My legislation, the Presidential Allowance Modernization Act, would establish a cap on former Presidents' monetary allowances, which are currently unlimited and fund resources like office space, staff salaries, cell phone bills, and more. It would then reduce the allowance, dollar-for-dollar, by each dollar of income a former President earns in excess of $400,000.

The national debt is over $20 trillion. We cannot afford to generously subsidize the perks of former Presidents to the tune of millions of dollars. The reality is that post-Presidential life already provides fruitful opportunities on its own, with former Presidents raking in tens of millions of dollars from book deals, speaking engagements, and more.

Again, I call on my colleagues to support this bipartisan bill, which would save taxpayer dollars that could be used for more worthwhile causes, like our military. I also thank the senior Senator from Missouri for cosponsoring this legislation and making it a bipartisan bill.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mr. SANDERS. Mr. President, let me take this opportunity to thank my colleagues on the Armed Services Committee for their hard work in presenting this bill, but I am going to cast a very strong ''no'' vote on this legislation. This morning I want to say a few words about why I am voting no, to talk about the number of amendments I have submitted to this bill, and to express my very serious concerns about our Nation's bloated military budget, particularly in light of the many unmet needs we face as a nation.

Also, I must express a very serious objection to the fact that we are dealing with a $716 billion piece of legislation that is more than half of the discretionary budget, yet we will in all likelihood not have a process that allows for amendments to be debated—$716 billion, at a time when, in Louisiana, as I understand it, they are now going to be cutting food stamps for hungry children, when schools throughout this country don't have enough money for books or for teachers' salaries. We are talking about a $716 billion military budget and this process, as I understand it, will allow for no amendments, despite the fact that virtually every Member of the Senate has concerns about this bill.

Over and over again I have heard my Republican colleagues and a number of Democratic colleagues come to the floor and talk about a very serious issue, and that is the $21 trillion national debt we are leaving our kids and our grandchildren. But somehow, when it comes to giving huge tax breaks—$1 trillion dollars in tax breaks to the top 1 percent—suddenly we don't hear much about that national debt. When it comes to spending $716 billion on a defense bill, my Republican friends are mute. Suddenly the debt has disappeared because it is OK to spend unlimited sums of money on the military.

I have heard my Republican colleagues tell us that the United States just cannot afford to join the rest of the industrialized world—every other major country—and guarantee healthcare for all of our people as a right to a Medicare for All program. It is what the American people want, but I am told we cannot afford that. We can afford $716 billion in 1 year for the military, but healthcare for our children, for our working people, for the 30 million people who have no health insurance, and for the tens of millions of people who cannot afford health insurance—that we cannot afford.

At the moment that we are engaged in a highly competitive global economy, I am told over and over again that we cannot afford to make public colleges and universities tuition-free. Hundreds of thousands of our young people are unable to go to college because their families lack the income. Millions leave school deeply in debt. No, no, no, we cannot afford to make public colleges and universities tuition-free, but we can afford to spend $716 billion in 1 year on the military.

Over half of older Americans have no retirement savings—no retirement savings—yet we have Republican colleagues in the House and here in the Senate who say: Oh, we can't afford Social Security. We have to cut Social Security for people who are trying to get by on $12,000, $13,000, $14,000 a year, cutting their prescription drugs in half. Cut Social Security, yes, but think about dealing with the $716 billion military budget in a rational way? No, no, no, we can't afford to do that. We can't even afford to accept amendments here on the floor.

The time is long overdue for us to take a hard look at the enormous amount of waste, cost overruns, fraud, and financial mismanagement that has plagued the Department of Defense for decades.

I have heard many of my Republican colleagues worry that low-income people are taking advantage of this program or that program. Do you know where the money is? The money is with the Department of Defense, and it may be time that we take a hard look at the fraud and the financial mismanagement that exists there. That is why I am offering a bipartisan amendment. I want to thank Senators GRASSLEY and LEE for their support on this amendment to end the absurdity of the Department of Defense being the only Federal agency that has not undergone an audit.

It will not surprise the Presiding Officer to note that according to a Gallup poll in February, a few months ago, 65 percent of the American people oppose spending more money on the Department of Defense; 65 percent say that we should not spend more money, yet over a 2-year period, we are going to spend some $165 billion more on the defense.

So it shouldn't shock anyone that what happens here is a direct contradiction to what the American people want. The American people want healthcare for all; my Republican colleagues want to throw 30 million people off of health insurance. The American people want to ask the rich and powerful to pay more in taxes; our Republican colleagues give massive tax breaks to the top 1 percent.

In defense spending, it is just the same thing. The American people say: I can't afford to send my kids to college, I can't afford childcare, and I can't afford housing. We need help. But nobody listens to that. We don't have lobbyists here fighting for working families so they can find affordable housing or affordable prescription drugs, but today we are listening to the military industrial complex and talking about a $165 billion increase in 2 years for the military.

As a point in comparison—and I hope everyone hears this—the increase in military spending, the $165 billion over 2 years that we recently approved is larger than the entire military budget of China. China spends about $150 billion a year on defense. We have increased military spending by $165 billion over 2 years.

Russia spends about $61 billion on defense annually. So children in Louisiana may be losing their food stamps and go hungry, but we are voting on a bill of $716 billion at a time when Russia spends about of $61 billion on defense.

There are enormous needs in this country in Vermont, in California, and all across this country. We might want to listen to the needs of working people rather than just lobbyists from the military industrial complex.

I believe in a strong national defense, but we cannot continue to give the Pentagon and defense contractors like Lockheed Martin a blank check while we ignore the basic needs of working families throughout this country. What this debate should be about—and, unfortunately, it will not be about—is our national priorities.

Do we have to spend more money on defense than the next 10 countries combined when children in America go hungry, when veterans sleep out on the street, when we are the only major country that does not guarantee healthcare to all people? I say no, and I say that the time is long overdue for us to stand up to the lobbyists and the military industrial complex and fight for rational national priorities.

About half of the Pentagon's $716 billion budget goes directly into the hands of private contractors, not into the hands of our troops. Let's be clear. Over the past two decades, virtually every major defense contractor in the United States has paid millions of dollars in fines and settlements for misconduct and fraud, all—at the same time—while making huge profits on government contracts.

Since 1995, Boeing, Lockheed Martin, and United Technologies have paid nearly $3 billion in fines or related settlements for fraud or misconduct—$3 billion—at a time when oversight, frankly, is pretty weak. Yet those three companies alone received about $800 billion in defense contracts over the past 18 years.

One of the amendments I have filed would simply require the Pentagon to establish a website on defense contract fraud with a list of companies convicted of defrauding the Federal Government, the total value of contracts awarded to such companies, and a list of recommendations for ways the Pentagon can penalize fraudulent contractors. My guess is that fraud is a way of doing business and these settlements are simply a cost of doing business for companies who have huge contracts with the Department of Defense. That has to stop.

Further, I find it interesting that the very same defense contractors that have been found guilty or reached settlements for fraud are also paying their CEOs and executives excessive and obscene compensation packages. Last year, the CEO of Lockheed Martin and Raytheon, two of the top U.S. defense contractors, were each paid over $20 million in total compensation. Moreover, more than 90 percent of the revenue of those companies came from defense spending. So they get the bulk of their money from the taxpayers of the United States, and then they pay their CEOs exorbitant compensation packages.

I think the American people might like to know why a defense contractor can pay its CEO 100 times more than the Secretary of Defense, whose salary is capped at $205,000. To my mind, that is a reasonable question. How does the CEO of a defense contractor get 100 times more salary than the Secretary

of Defense? That is why I have filed an amendment to prohibit defense contractor CEOs from making more money than the Secretary of Defense.

Moreover, as the GAO has told us, there are massive cost overruns in the Defense Department's acquisition budget that we have to address. According to the GAO, the Pentagon's $1.66 trillion acquisition portfolio currently suffers from more than $537 billion in cost overruns, with much of the cost growth taking place after production.

I was the mayor of the city of Burlington, VT, for 8 years. Like other mayors throughout the country—Democrats, Republicans, Independents, whatever—you sit down and negotiate a contract with someone who perhaps is going to repave the streets. The contractor says: ''I'm going to do it for $5 million,'' and you sign a contract. You don't accept the fact that the contractor comes back and says: Oh, I am sorry, I made a little mistake. It is going to cost you people $10 million.

That is not the way it was done in Burlington. That is not the way it is done in cities or States throughout this country. But apparently that is the way it is done at the Department of Defense.

Oh, yes, Mr. Secretary, we are going to do this weapons system for $5 billion. We made a mistake; you have to pay us $10 billion.

No problem. No worries. Nobody in Congress is going to raise any issue about that.

GAO tells us that ''many DOD programs fall short of cost, schedule, and performance expectations, meaning DOD pays more than anticipated, can buy less than expected, and, in some cases, delivers less capability to the warfighter.'' That is not from BERNIE SANDERS; that is from the GAO.

Let me repeat. A major reason there is so much waste, fraud, and abuse at the Pentagon is that the Department of Defense remains the only Federal agency in America that hasn't been able to pass an independent audit 28 years after Congress required it to do so. I know the Federal bureaucracy moves slowly, but 28 years should be enough time for the DOD to do what Congress demanded that it do.

The amendment Senator GRASSLEY, Senator LEE, and I have filed couldn't be simpler. It simply says that if the Pentagon can't pass a clean audit by fiscal year 2022—not tomorrow; fiscal year 2022—then a small portion of the defense budget—about $100 million—will be redirected to deficit reduction.

Interestingly, you may recall that on September 10, 2001—1 day before 9/11—former Secretary of Defense Donald Rumsfeld, who was George W. Bush's Secretary of Defense, said:

> Our financial systems are decades old. According to some estimates, we cannot track $2.3 trillion in transactions. We cannot share information from floor to floor in this building because it's stored on dozens of technological systems that are inaccessible or incompatible.

In 2001, Donald Rumsfeld, George Bush's Secretary of Defense, said that DOD could not track $2.3 trillion in transactions. Yet, 17 years after Mr. Rumsfeld's comments, the Department of Defense has still not passed a clean audit, despite the fact that the Pentagon controls assets in excess of $2.2 trillion, or roughly 70 percent of what the entire Federal Government owns.

The Commission on Wartime Contracting in Iraq and Afghanistan concluded in 2011 that $31 to $60 billion spent in Iraq and Afghanistan had been lost to fraud and waste. Children in America go hungry. Young people leave school deeply in debt. People in this country cannot afford healthcare. But $31 to $60 billion in Iraq and Afghanistan has been lost through fraud and waste. Maybe—just maybe—we might want to get our priorities right and take a look at that issue.

Separately, in 2015, the Special Inspector General for Afghanistan Reconstruction reported that the Pentagon could not account for $45 billion in funding for reconstruction projects. More recently, an audit conducted by Ernst & Young for the Defense Logistics Agency found that it could not properly account for $800 million in construction projects.

It is time to hold the Department of Defense to the same level of accountability as the rest of the government.

I would also like to briefly mention an amendment that, to me, makes an enormous amount of sense. In this bill, we are spending $716 billion in defense spending in order to protect the American people. What this bill does is spend that money on the production of fighter planes, bombs, guns, missiles, tanks, nuclear weapons, submarines, and other weapons of destruction. This amendment I have submitted would reduce the defense budget by one-tenth of 1 percent. That is not a massive cut. We would use that $700 million to make our country safer by reaching out to people throughout the world in ways that bring us together through educational and cultural programs.

At the end of the day, it is not necessarily true that guns and tanks and missiles are the only way we will be safe. We will be safer when people throughout the world get to know each other and understand the common humanity that they have, when kids from Iran and Burlington, VT, can sit down and talk about the issues they face.

This amendment is about helping to make us safer by investing in educational programs, allowing our kids to go abroad to learn about other countries, and allowing kids from other countries to come into the United States. Dialogue alone taking place between Foreign Ministers or diplomats at the United Nations is not the only way countries can relate to each other. That type of dialogue, that type of communication, that type of sharing of who we are should be taking place between people throughout the world at the grassroots level—among young people, among older people, among working people, among academics.

Let's try to destroy the hatred that exists throughout the world based on fear and ignorance by allowing people to get to know each other. One-tenth of 1 percent would go toward that effort.

On a separate note, since March of 2015, the U.S. Armed Forces have been involved in hostilities between a Saudi-led coalition and the Houthis in Yemen. I believe it is long past time that we put an end to our unconstitutional and unauthorized participation in this war. To my mind, there is no question that U.S. participation in the war in Yemen is unauthorized and unconstitutional. It is the Congress of the United States that decides whether this country goes to war, not the President.

The truth about Yemen is that U.S. forces have been actively engaged in support of the Saudi coalition in this war, providing intelligence and aerial refueling of planes whose bombs have killed thousands of people and made the current humanitarian crisis in Yemen the worst humanitarian crisis on the face of the planet today.

Even now as I speak, there are reports that an attack on the Yemeni port city of Hodeidah by the Saudi-led coalition is imminent. Hodeidah is a key entry point for humanitarian aid into Yemen. The U.N. Humanitarian Coordinator in the country, Lisa Grande, said last week that ''a military attack or siege on Hodeidah will impact hundreds of thousands of innocent civilians. . . . In a prolonged worst case, we fear that as many as 250,000 people may lose everything—even their lives.''

The Trump administration has tried to justify our involvement in the Yemen war as necessary to push back on Iran. Well, another administration told us that invading Iraq was necessary to confront al-Qaida, and another told us that the Vietnam war was necessary to contain communism. None of that turned out to be true.

I believe that we have become far too comfortable with the United States engaging in military interventions all over the world. We have now been in Afghanistan for 17 years—the longest war in American history. We have been in Iraq for 15 years. Our troops are now in Syria under what I believe are questionable authorities, and the administration has indicated that it may broaden that mission even more.

The time is long overdue for Congress to reassert its constitutional responsibility over sending our men and women into war. It is the Congress that makes that decision. It couldn't be clearer in the Constitution. It is not the President of the United States. That is why I have filed a bipartisan amendment, along with Senators LEE, MURPHY, WARREN, and several others, that would put an end to U.S. involvement in the war in Yemen.

Let me conclude by saying this: I think everybody in the Congress believes and understands that we need a

strong defense. There is no debate about that. But we do not need a defense budget that is bloated, that is wasteful, and that has in it many areas of fraud.

Let me remind some of my Republican colleagues—it is hard to believe, but Dwight D. Eisenhower, who led American troops in World War II, was a Republican. This is what he said as he was leaving office, which is as true today as when he said it in 1960. He said:

> Every gun that is made, every warship launched, every rocket signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. . . . This is not a way of life at all, in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.

That is what Dwight D. Eisenhower said way back when. Those are words that I think we should remember today.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would suggest that the War Powers Act does specifically say that the President has the very power to enter our troops into combat. It shouldn't be necessary to say.

People are asking me questions and calling up and asking: Where are we on the NDAA? I want to make a few comments about that and then give an exact status as to where we are right now.

We said it before, but we can't overstate this: This NDAA bill is going to pass. We know it is going to pass. It has passed for 57 consecutive years, and it is one that has to pass because this is the most important bill of the year.

Last night, we adopted a managers' package of some 45 bipartisan amendments. This is on top of some 300 amendments that we already have gone through in the committee.

I want to say with my counterpart here—Senator REED—that we are in total agreement on the procedures we should be following. We are in agreement on an open amendment process. Both the Democratic and Republican leadership are committed to an open amendment process. We have been trying to set that up, and we have not been shortchanging or shortcutting anyone's ability to be heard on their amendment, because we have already gone through 300 of these in committee, and then it passed unanimously to the floor. That is something that doesn't happen very often.

I hope that we can have more amendments throughout this process. We are working to get consent to do that. I think we can make it happen. We want an open amendment process. Everybody wants that.

I recently got back from visiting with American troops around the world—Afghanistan, Poland, Kuwait, just to name a few. When I meet with these troops, I go and talk to the enlisted guys in the mess hall. You can find out a lot more by sitting down and eating with the guys in the mess hall in Afghanistan than you can having a hearing in Washington, DC. One of the things I learned last week was that our troops want to know if we are really doing all we can.

The proper authorizations, reports, trainings, things like we established in this bill would be improved by an open amendment process. The open amendment process is the hallmark of our democracy. It is very significant, and it is something we need to be doing, and we are all in agreement on that.

Now, the NDAA is also a message to our allies around the world. They don't want to have to hedge their bets. It wasn't too long ago we were in the South China Sea, and we saw where China is actually building all of these islands out there. I contend, it is illegally building them because they don't own the land. It is almost as if they are preparing for World War III. All of that is going on right now. So it is a very hostile world out there.

We saw the progress the President made yesterday with Kim Jong Un. That was nothing short of a miracle that they are sitting down and visiting, that they have agreed on certain denuclearization prospects. I think they have done a great job, and I am anxious to give this President the authority to continue in his work.

While we continue to work out the amendment process, I ask my colleagues to come down to the floor.

Let me say where we are right now. Senator CORKER is blocking the consideration of all amendments, unless he receives a vote on his amendment. I appreciate very much the friendly attitude he has had toward this. He feels very strongly, but there is a blue-slip problem with this; that is, it is not going to be considered by the House because it is a revenue issue we are dealing with, and that is why it is a blue-slip issue. I know Senator CORKER did want to correct that last night, and he attempted to do it. I have not heard that he has been able to successfully do it, and I don't believe he has.

There are several already who have said, in the event CORKER tries to bring it up for a vote, they will block that vote. So that vote would be blocked.

Senator PAUL and Senator LEE have amendments that are similar to each other. Each one is blocking unless he receives a vote. So we have Senator LEE saying, unless he gets a vote on his amendment, he is going to block anyone else from having an amendment or getting a vote; in other words, no amendments. Senator PAUL, the same thing, no amendments. Now, their amendments are similar to each other, but there are some slight differences, but that is where they are right now.

However, Senator GRAHAM and Senator GRASSLEY have said, in the event Senator Paul or Senator LEE puts their amendment forward, they would stop their amendments from coming up. So that is where we are. We have the Corker amendment, and it is one that has a blue-slip problem. We have the indefinite detention amendment by PAUL, and both GRAHAM and GRASSLEY have said they would object if that comes up for a vote. So we can't have a vote on that. There is nothing we can do except get them together to decide.

This significant bill we are talking about is the most significant bill of the year, and we can't move on it until—and, I agree, there is a problem. I have talked to a lot of our Members who are fairly new Members, and they talk about the Senate process and that one person can stop everything from happening. Well, it has been that way a long time, and this is where we seem to have to pay dearly for it. I have to say this also because many times on legislation we have on the floor, it is Democrat versus Republican, Republican versus Democrat. Well, Senator REED and I don't have any disagreement. We disagree on some of the issues we are going to be dealing with as we debate amendments—and that is going to happen this week—but we both agree the other has the chance to present his best case and try to win on the issues.

So that is going on, and this is one of the rare cases where I guess all the problems we are having objecting to amendments are all coming from the Republican side. I hope our Republicans will get together with each other and determine what areas they actually will be objecting to. That is where we are right now.

Let me, one more time, commend Senator REED for the cooperation we are getting between the Democrats and Republicans on this, the most significant bill of the year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, let me thank the Senator from Oklahoma for being very thoughtful and informing us all of the current procedural status. We both hope to be able to work through another package of managers' amendments that could be submitted.

Looking at the amendments we have seen so far, regardless of what position you take on their disposition, they all seem to be serious, substantive and, in our view, worthy of a vote. We just have to work out the procedure to get to those votes. There may be something in the future that is offered that seems to be very difficult, and I will not say we have not, in the past, on our side stood up and said we object. That is one of the prerogatives.

At this juncture, Senator INHOFE and I seem to be in harmony trying to find ways to vote for the proposals we have seen presented to us and ask and request votes on the proposals by our colleagues.

With that, I know Senator INHOFE and I will continue to work to see if we can move this process forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

TRUMP-KIM SUMMIT

Mr. MARKEY. Mr. President, I come to the floor to raise my concerns over the outcome of the summit between the United States and North Korea.

Now, after witnessing heated rhetoric from both sides, the unexpected turn toward diplomacy by President Trump and Kim Jong Un was, by all accounts, a very welcome development. As there is no military solution to the North Korean nuclear crisis, I was encouraged to see direct engagement, and I have long advocated for this approach. However, I am concerned that the agreement signed this morning does little to address the threats and challenges we face.

First, the text of the statement was the most vague and least detailed of any signed by North Korea over the past three decades. Despite his claims to the contrary, President Trump got a weaker deal, with fewer commitments, than any of his predecessors. Nowhere does the document explain what ''complete denuclearization of the Korean Peninsula'' means. For example, Kim Jong Un can easily interpret the language to mean he will only relinquish his nuclear weapons once the United States does the same. After all, history shows us that North Korea interprets the term ''Korean Peninsula'' to include any U.S. nuclear weapon capable of striking North Korea. The loopholes in the agreement, it seems, are big enough to fly nuclear missiles through.

By contrast, previous agreements were much more stringent. The 1992 joint declaration signed by North and South Korea, for example, included conditions such as ''South and North Korea shall not test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons,'' and ''South and North Korea shall not possess nuclear reprocessing and uranium enrichment facilities.'' Unfortunately, neither of those commitments appears in the latest agreement. The language instead suggests something worrying.

As the administration must have realized this agreement was not as strong as the previous ones, it appears it was unable to convince North Korea to adopt tougher, more detailed commitments. If true, we should take the hint that North Korea has not yet felt the economic pressure necessary to compel it to accept our definition of ''denuclearization''—one where the Kim regime relinquishes its nuclear weapons and its means to produce more.

It appears, Kim Jong Un, having stockpiled a wide range of illicit and dangerous weapons, believes he is negotiating from a position of strength, rather than from a position of weakness. While the Trump administration said it has imposed maximum pressure, the truth is, we haven't yet reached that level that could be called maximum pressure.

North Korea must understand that even if China eases the pressure, we in Congress are ready to step in to tighten the screws on the North Korean economy.

President Trump appears to have made a second unforced error. By agreeing to curtail our joint military exercises with the South Koreans, President Trump let Kim Jong Un dictate our military activities with other countries. By proclaiming that our exercises are ''provocative,'' he has adopted the North Korea propaganda. By proclaiming that our exercises are ''expensive,'' he showed that he does not grasp our alliance commitments. Yes, some military exercises are costly, but as any businessperson should know, the more important indicator is value. If a high cost is outweighed by even greater benefits, then we should be willing to pay the cost.

Our military exercises improve the readiness of our forces to deter and, if necessary, defeat North Korean aggression. Will North Korea be sufficiently deterred without U.S. and South Korean forces standing shoulder to shoulder? Will the chance of conflict decrease?

It was telling—and very regrettable—that the South Korean Government needed to issue a statement asking the Trump administration to clarify its comment about military exercises. It seems the Blue House in South Korea was not consulted.

What signal does it send to China that our presence in the region, which has helped keep peace and stability for decades, may be sacrificed to save a bit of money? The Trump administration might have unwittingly given a green light to China to pursue more aggressive actions in the region.

Now, I have been warning that we must watch out for the old Kim family playbook—one that has been used throughout the Clinton, Bush, and Obama administrations. Well, the Kim family playbook was on the field yet again last night, and President Trump fell for all of the plays.

As it has done in the past, North Korea showed it is trying to, No. 1, front load the rewards and delay concessions. As indicated by the post-summit statement from China's Foreign Ministry, Pyongyang and Beijing already appear to be working together to remove sanctions despite the lack of tangible evidence of denuclearization.

No. 2, from the Kim family playbook, use sleight of hand to make irrelevant actions seem meaningful. By supposedly demolishing its nuclear test site and a missile engine test stand, North Korea is claiming it has made real progress, despite not destroying a single warhead or missile.

No. 3, in the Kim family playbook, exploit ambiguity. The Trump-Kim agreement is so vague that it imposes no clear requirements on North Korea. What we should want is reconciliation, not repetition of what has happened decade after decade when the Kim family uses its playbook to delay concessions they make while front-end loading the rewards they receive.

We can all agree that we need a plan to stop North Korea's plutonium production and uranium enrichment, that suspends and then eliminates its ballistic missile program, that permanently dismantles and removes all of its nuclear, chemical, and biological weapons, and that implements a compliance inspection program with a strong verification regime—suspend, eliminate, dismantle, remove, and verify every single step of the way.

Most of us agree on what a deal should look like, but the trick is figuring out how to get there, and the hard work lies ahead to successfully navigate the hazards.

No. 1, do not sell out our allies. We must not allow North Korea to believe the alliance framework, which has served as the foundation for regional peace and security, is anything other than unshakeable. Unfortunately, South Korea seemed to be caught off guard by President Trump's announcement on military exercises.

No. 2, do not prematurely release the pressure valve. China, North Korea's chief enabler, already is easing pressure on North Korea. North Korean goods already are becoming more abundant in China, despite being banned by United Nations Security Council resolutions, and immediately following the summit, the Chinese Foreign Ministry suggested making adjustments to existing sanctions on North Korea.

If China wants to be taken seriously as a responsible global power, it cannot shirk its duties to enforce sanctions on serial violators like North Korea. If North Korea backslides at any point, China must be tougher on North Korea, including cutting off all of the crude oil exports to the North Korean regime, which still flows in every day from China.

No. 3, focus on the threat at hand. North Korea's nuclear warheads and other dangerous weapons and their delivery systems are real threats. The administration must not fall for North Korea's inevitable theatrics and false concessions, as we cannot afford to be sidetracked. After all, nothing would stop North Korea from conducting another nuclear or missile test if it even believes its warheads and missiles need more testing.

No. 4, build American diplomatic capability and infrastructure. Diplomacy is a team sport, and no matter what commitments leaders make, it is only through a well-staffed and well-resourced professional diplomatic core that it becomes a reality. The State Department must have the resources it needs to conduct American foreign policy around the globe and especially with regard to Asia and North Korea.

The outcome of this summit clearly indicates how much we need the advice of career diplomats and technical experts.

And, No. 5, come to Congress. To achieve a lasting solution to the crisis,

the Trump administration must work with Congress to shape the contours of any future deal. Any final agreement should take the form of a treaty, to be ratified by the U.S. Senate, so as to increase its shelf life.

Without following principles like this and without a clear understanding of our previous diplomatic efforts with North Korea, we could fail. We owe it to our fellow Americans to successfully reduce the threats we face because the threats from North Korea are significant.

Unlike other countries with nuclear programs, North Korea already possesses thermonuclear warheads and the ballistic missiles to deliver them. It has shorter range missiles that cast a dark shadow over our allies, South Korea and Japan. Pyongyang possesses some of the foulest toxins on the planet, and it brutally represses, imprisons, tortures, and kills its own citizens. So we must address these myriad threats.

As it turns out, negotiating with North Korea is harder than the President thought. So we must continue to squeeze the regime so that it cannot access the resources necessary to maintain or expand its military capabilities. After all, a combination of direct engagement, backed by pressure, is the only solution to the North Korean threat to the United States, our allies, and to the broader region.

Now, Mr. President, I would like to spend a few minutes discussing amendments that I am filing to the National Defense Authorization Act. My amendments would help to reduce the nuclear dangers the world faces today and in the future by either canceling or redirecting funds the Trump administration would use to develop a new so-called low-yield nuclear weapon toward preparing for nonproliferation activities that will be essential to helping denuclearize North Korea.

I also want to thank my colleagues Senators ELIZABETH WARREN and JACK REED, who have been tremendous leaders on the Armed Services Committee, in working to ensure that proper congressional authorization is secured for any new or modified nuclear weapons. There is no more important job for Congress than stopping the spread of nuclear weapons, and I thank Senators WARREN and REED for their leadership and commitment to this important task.

Let's be clear. When the Trump administration talks about a so-called low-yield nuclear weapon, they are still referring to nuclear weapons comparable to the nuclear bomb that destroyed Hiroshima in the Second World War. There is no such thing as a low-yield nuclear weapon. A nuclear weapon is a nuclear weapon, and they are fundamentally different than any other tool of war. They destabilize. They annihilate. They force others to do the same. This is where the term ''MAD,'' or mutually assured destruction, comes from.

For these reasons, they should never be used, and we should never falter in the ongoing struggle to reduce and eventually eliminate the danger nuclear weapons pose to the world.

But, instead, the Trump administration wants new nuclear weapons, and, unfortunately, its efforts to develop new, more usable low-yield nuclear weapons, like the W76–2, seem to be driven more by political requirements than by military requirements. Our military commanders didn't ask for this or any other nuclear weapon. Instead, the Trump administration told them that they were getting this new low-yield nuclear weapon in its Nuclear Posture Review earlier this year, which needlessly expanded our nuclear warfighting capabilities and threatened new scenarios under which we might use our nuclear weapons to respond. The Nuclear Posture Review called for new low-yield weapons, like the W76–2, for unretiring old, Cold War-era ones like the B–83 megaton gravity bomb and expanding the scenarios under which we might respond with nuclear weapons.

We already have hundreds of low-yield nuclear weapons, including the B61 gravity bomb and an air-launched cruise missile, and we will spend hundreds of billions of dollars to upgrade these systems, as well as to develop a new stealth bomber and fighter aircraft to deliver them, as part of the existing nuclear modernization program.

Given this current capacity, as well as the lack of any documents, reports, or studies justifying the sudden, previously unrecognized, need for a new low-yield weapon as part of America's nuclear deterrent, it is hard to understand why we need to spend more money to develop a low-yield nuclear weapon that will add additional strain to a nuclear complex that is already operating at levels unseen since the Cold War and that could jeopardize the existing modernization program which enjoys bipartisan support and which our military leaders have said is the most important nuclear requirement for the military. It makes no sense to spend more money to develop a low-yield nuclear weapon, dangerously indistinguishable from a strategic one, especially when our military does not need it. They did not request it.

That is why I have fought this weapon from the very start and am offering an amendment to focus on funding activities that will be necessary to reduce the nuclear danger to the world—whether now or in the future—instead of adding to it by developing a completely unjustified low-yield weapon that adds to the risk that we can actually contemplate fighting a winnable nuclear war. That makes no sense whatsoever—a new nuclear weapon that the Pentagon did not ask for. We should be heading in the opposite direction. That is the signal that we should be sending to the rest of the world.

With regard to the summit, my hope is that there will be some details that indicate what the concessions have been made by Kim to the United States and to the world. Thus far, there is no evidence of that. I fear that the only thing that will last from this summit will be the photo, because we will not have had the concessions made that, on a verifiable basis can, in fact, be confirmed and that make the Korean Peninsula and make the world a safer place to be.

So today is a momentous day. This will be a momentous week on the floor of the Senate, as well, in the debate of this new armed services bill, and I am looking forward to this incredibly important discussion.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONGRATULATING MITCH MCCONNELL AS THE LONGEST SERVING SENATE REPUBLICAN LEADER

Mr. CORNYN. Mr. President, I rise today to mark an important milestone for our friend Senator MITCH MCCONNELL, who has now become the longest serving Republican leader, surpassing Senator Bob Dole of Kansas, who served from 1985 to 1996.

I told somebody in the press yesterday that Senator MCCONNELL has done it the old-fashioned way: He earned it. He earned this role as our leader and the respect, certainly, that goes along with it.

He served as minority leader beginning in 2007, and I had the honor of presenting him with a copy of his maiden speech as Republican leader back then. That was at the beginning of the 110th Congress, and he has served as either majority leader or minority leader ever since. What a historic tenure his has been, and what a privilege it has been for me to serve alongside him since I came to the Senate in 2003, but especially in my role as whip, I have had the opportunity to work with the leader on a daily basis, and it has been one of the highlights of my Senate career.

Senator MCCONNELL is trusted. We all know he is whip smart. He is an impressive strategist. He understands the Senate better than anybody else here, and time and again, he has demonstrated what leaders always need to demonstrate, and that is a remarkable degree of humility, sometimes preferring to work for the betterment of the conference and the country behind the scenes rather than enjoy the spotlight on the frontlines. That takes a remarkable sense of self-confidence and team spirit that not everybody has. It is true that sometimes he is soft-spoken, but I can assure you that he is never afraid to take a hard line when absolutely necessary. But more than that, he is a rare example of what a Senator ought to be, what a true public servant ought to be.

As majority leader, Senator MCCONNELL is a member of a storied group that includes the likes of Senator Charles Curtis, the first official majority leader of the Senate, who was famous for his Native American ancestry and racing horses, I am told. The' group includes Robert Taft of Ohio, who would work late into the night studying the rules of the Senate in order to outmaneuver his opponents. It includes Lyndon Baines Johnson from my State, who would go on to become President, as well as Mike Mansfield from Montana, Johnson's whip, who went on to serve as majority leader for 16 years. In more recent times, there have been great statesmen, such as Bob Dole, Trent Lott, and Bill Frist.

We all know that Senator MCCONNELL is an avid student of history, and he has learned a lot from all of these leaders—their example, their ups and downs, their successes, and their challenges—and in a sense, he stands on their shoulders. The experience, the example, and the great leadership each of them demonstrated have benefited all of us but nobody more than our leader Senator MCCONNELL.

In today's world, the qualities embodied by all of these men is not very widely understood, but we have to look no further than Senator MCCONNELL to see what that leadership looks like. One thing it requires is recognizing your role but also respecting the role of other Members in the conference.

As I said, Senator MCCONNELL deeply understands the nature of the Senate and his position, and he illustrated this when he spoke at the beginning of the 114th Congress.

In his first speech, he recognized that the American people were anxious about the direction of our country. He mentioned the decline of civic trust in our national institutions. He expressed concern about his fellow Americans feeling as though government was somehow uninterested or incapable of addressing their concerns—a government that seemed to be working for itself instead of for them. Those were some of the sentiments and concerns he expressed at the time.

Sensing this unease, articulating the problem was just the beginning of Senator MCCONNELL's setting out to fix it. What Americans wanted then is what they want now: They want a government that works. They want, as Senator MCCONNELL called it, a government of the 21st century, one that functions with efficiency and accountability, competence and purpose. That is the kind of government our leader has worked tirelessly to promote. As he has told us time and again, what he is interested in is results, not show votes. Many of us from time to time have said: Why can't we have a vote on this or that? He reminds us that what we need to produce is results, not theatrics.

He has taken steps to return the Senate to regular order, which simply means getting the Senate back to work according to its own rules and traditions. He has gotten the committees to work again. The Senate simply does not work unless our committee structure works, because then power is diffused among all Senators, and they each get to contribute their piece of a solution to a problem. He has committed himself and the Senate to a more rational, functioning appropriations process—something we all can applaud.

In my opinion, it has been his never-ending quest for this body he loves to function not just ably but at a consistently high level. That has been his greatest contribution to the people he serves.

Leader MCCONNELL is concerned about the policy priorities of our party, of course, and he works doggedly to advance a conservative, right-of-center agenda, but he also cares deeply about this institution that he has committed so much of his life to serving and the pivotal role the Senate has always played in American history. He cares about upholding the rules and traditions of this body, not for their own sake but because they have simply withstood the test of time.

We have made great strides this Congress under Leader MCCONNELL's leadership. We passed the first overhaul of the Tax Code in more than three decades and allowed Americans to keep more of their hard-earned paychecks. We reformed Dodd-Frank legislation, freeing up banks and credit unions to better serve their communities by giving small businesses access to the credit they need in order to start that business and grow. We rolled back overly burdensome regulations and confirmed 39 judicial nominees, including a Supreme Court Justice and 21 circuit court judges. As Senator MCCONNELL likes to remind us, these judges will serve long after this President's term of office and perhaps even our time in the Senate.

This spring, we kept a solemn commitment we made to our veterans by making sure they have access to the healthcare choices which they need and which we have solemnly committed to provide. None of this would have been possible without Leader MCCONNELL's deftly navigating around the stop signs and roadblocks that naturally occur in a place like the Senate and refusing to yield along the way to unprecedented levels of partisan obstruction.

But we must not forget that Senator MCCONNELL is a leader not only of our conference, but he also serves primarily on behalf of the people of Kentucky. He doesn't leave his full-time job behind when he puts on his leadership hat. He somehow has to balance the needs of both his constituents in Kentucky and the larger needs of the Senate and of the country as a whole. It goes without saying that balancing those competing demands is extraordinarily difficult. It is not for the faint of heart. But somehow Senator MCCONNELL makes it look easy. He doesn't even seem to break a sweat, amazingly so. That is because people like Senator MCCONNELL are versatile and energetic.

On behalf of his fellow Kentuckians, he has recently championed the cause of international adoptions, ensured a healthcare fix for more than 3,000 retired coal miners, and supported military installations, such as Fort Campbell and Fort Knox. He has gotten more resources to strengthen Kentucky universities. He has helped his State combat the scourge of opioid addiction. He even helped a mother get her child back after she was abducted and taken to West Africa. These are just some of the recent ways he has served his State.

As we know, Senator MCCONNELL joined the Senate in 1984, so one could literally write volumes about his many other contributions over the past 3½ decades. He once said of the Senate what is no less true of all of us: We are all imperfect at moments, but we were permanently endowed with high purpose.

For those familiar with the story of his own life, this sense of high purpose was seen early on. After overcoming polio at a young age, Leader MCCONNELL went on to attend the University of Louisville, where he served as student body president and where he urged his classmates to march with Martin Luther King, Jr., on behalf of civil rights. He then became president of the student bar association in law school. This man was clearly born to lead.

What was clear early in his life remains clear today: Leader MCCONNELL is simply relentless. He never stops working, and in his view, we—both as a conference and a country—still have miles to go before we sleep.

In addition to confirming the President's nominees, we have a packed to-do list this year that includes finishing the Defense bill this week, passing water infrastructure reform, as well as a farm bill, combating the opioid crisis, and reauthorizing the Federal Aviation Administration and the Coast Guard. None of this is easy, but one thing is certain: With Leader MCCONNELL at the helm and with the hard work of those of us here in the Senate—on a bipartisan basis, hopefully—we will continue to make steady progress on behalf of the American people we serve.

Thank you, Senator MCCONNELL, for your example. Thank you for your mentorship and for your friendship, and congratulations once again on reaching this historic milestone today.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Florida.

Mr. NELSON. Mr. President, while the Senator from Kentucky is here, I want to get his attention and say that the very laudatory comments the majority whip has said about the Senator—I can add to the accolades for the Senator from Kentucky by pointing out that he and I have a common trait, a common denominator between us: We both married above ourselves. His wife, the Honorable Elaine Chao, now our Secretary of Transportation, former

Secretary of Labor—they are truly one of the remarkable couples of political leadership in the Nation's Capital. I congratulate him on the comments by the majority whip today.

GUN VIOLENCE

Mr. President, I am wearing this ribbon because the Orlando community is mourning once again. Last night, there was another shooting, and a number of people have been killed again. Today marks 2 years since the tragic massacre at the Pulse nightclub in Orlando, 2 years since a gunman walked into the club with a Sig Sauer MCX assault rifle and killed 49 innocent people. They were there celebrating Latin American night at a gay nightclub. It was one of the deadliest mass shootings in modern U.S. history with 49 deaths, only to be eclipsed by the massacre of 58 people a year ago in Las Vegas. In the carnage, a number of people were severely wounded, and those who did not actually have physical wounds have the mental and emotional wounds that are not unlike the PTSD that our soldiers suffer from and have to be treated for for years and years. That is true in the Orlando community as a result of the massacre at the Pulse nightclub. Orlando is mourning again at this 2-year mark.

There were some incredible things that came out of this. I have never seen the Orlando community so united, with the leadership of the entire community, regardless of their politics, wearing these kinds of ribbons to point out their unity and using the phrase ''Orlando Strong.''

Today is a day to pause and honor the victims and the survivors and to once again thank the first responders who put their lives on the line to save so many more. Law enforcement was magnificent. The SWAT team was magnificent. I talked to the SWAT team. There was one of the SWAT members who actually had stitches across his forehead. But for millimeters, he would have been dead. That was one of the rounds from the assault rifle.

I talked to the trauma team at the Orlando regional hospital. A trauma unit just so happened to be about 10 or 15 blocks from the Pulse nightclub. But for that trauma unit, those trauma surgeons and their courage in trying to get victims stabilized, there would have been more deaths.

This is a day to look back on what we have actually done to prevent another such tragedy from ever happening again. Unfortunately, not much had happened until a bold, very courageous group of students after the massacre in Parkland, FL, at Marjory Stoneman Douglas High School stood up and said: We are going to make a difference.

The Orlando community is once again mourning today because last night a gunman shot a police officer and then killed four young, innocent children whom he was holding hostage in an apartment. It has happened again. These children, all under the age of 12—one was just a 1-year-old—were killed by a man who, like so many others, shouldn't have had a gun in the first place. When are we going to say enough is enough?

At some point Congress has to accept the fact that the only way to change the current path is that we, as a society, are going to have to take a step in the right direction to do the right thing. Yet you can remember that a couple of years ago, in this body we tried to pass a bill which said that if you were on the terrorist watch list, it was going to be the law of the land that you could not buy a gun. Mind you, if they are on the terrorist watch list, we think they are potentially a terrorist and therefore cannot get on an airplane and fly on a commercial airline, but we could not pass that to say that they could not buy or acquire a gun.

So what we see that destroys our communities—we are going to have to do more than increase security at schools with some wrongheaded attempts to arm teachers. First of all, the teachers don't want to be armed in schools. I will tell you who else doesn't want them to be armed—the SWAT team that has to storm the school building looking for the shooter, and then if they come upon a teacher with a gun, they could think that teacher is the shooter.

We have to do more than increase funding for mental health or expand background checks, which we desperately have to do. We need universal, comprehensive background checks that would pick up red flags about mental health issues like those of the Parkland shooter. We have to do more than raise the minimum age to buy a gun or ban the sale of bump stocks, which makes a semiautomatic assault rifle into an automatic—a true military weapon.

At some point, Congress has to start standing up for the people it represents. It has to turn a deaf ear to the special interests that have locked down their votes here because they want to sell more guns. At some point, Congress has to stand up to the NRA, which represents the gun manufacturers—not the target shooters, not the hunters. It represents the gun manufacturers to sell more guns.

I say this as a fellow who grew up on a ranch. I have had guns all of my life and have hunted all my life. I still hunt with my son. An assault rifle like an AR–15 is not for hunting; it is for killing. We have to face the fact of banning the sale of military assault rifle types and the long clips of some 30 rounds of ammunition.

The attack at the Pulse nightclub 2 years ago was an attack of both terror and hate, and it was an attack on our fundamental American values of dignity and equality. It was an attack designed to divide us as a nation, but what we saw instead was an entire community and entire country come together united.

In remembrance of the victims today in Orlando, you will see this ribbon worn by many, many citizens in the community. On the 2-year date of that horrific event, I want us to come together again in the same way we did after Pulse in Orlando, the same way we did after Parkland but, this time, not to help each other mourn to get through the tragedy but to require real change to make sure that it is going to be more difficult for this to happen again.

Aren't people beginning to realize there is way too much gun violence in this country—and a lot of it since Sandy Hook Elementary School in Connecticut? In my State of Florida, just this year, we have seen 17 students gunned down at Marjory Stoneman Douglas. Just in this year, 1 month after that, we saw another student shot at Forest High School in Ocala. Just last month, a sheriff's deputy was shot and killed in Lake Placid. Then, this week, we have awakened to the news of an officer shot in Orlando and the deaths of four young children who were held hostage.

We should not allow these shootings to become the new normal in this country. This Senator has been involved in a lot of bipartisan bills to prohibit known or suspected terrorists from purchasing firearms, to empower our family members and law enforcement to take guns away from relatives who pose a danger to themselves and others who bring up these so-called red flags. These are sensible, bipartisan options to help make our communities safer, yet there has been little movement in the Senate to proceed on these proposals.

The student leaders of the March For Our Lives organization have said it. The parents of the children at Sandy Hook have said it. Those who have lost loved ones to suicide have said it. Two years after Pulse, our resolve to end gun violence must be stronger than ever. It is time for us to act. We realize that with practical politics, it is going to be very, very difficult to move legislation, but we have to keep trying.

Let's work on some real bipartisan, commonsense solutions to make our communities safer. Let's work on how we can prevent these assault weapons from getting into the wrong hands. Let's work together on how we can stop massacres that continue to plague this country. We owe it to the victims of the massacres and to their families. We owe it to every American, who has the right to live without being in fear of this violence. Just ask the students in the schools of America today if they fear that violence.

Really, isn't enough enough?

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. HOEVEN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019—Continued

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, one of the greatest things about our country is the Bill of Rights. When we passed the Constitution, many people were fearful that if specific rights were not enumerated, they might be taken away. I think other people said: We don't need a Bill of Rights. Who can imagine a time when we would take away the right to trial? Who can imagine a time when you wouldn't get a lawyer or that you could be held indefinitely without a trial?

Some people opposed the Bill of Rights and said: We don't need this because it is so obvious that no one in their right mind would ever argue that an American citizen or someone apprehended or accused of a crime in the United States would be held without limit, would be sent to a camp in another country and held forever without a trial. None of our Founding Fathers ever imagined that could happen.

Well, here we are at a time where just 4 or 5 years ago, this body passed a bill that says an American citizen can be detained forever; that an American citizen accused of a crime in the United States can be sent to a foreign camp and held forever without trial.

When you mention this, people are incredulous. They ask: Who is the person who would object to the Bill of Rights? Who is it who possibly objects to the Fifth Amendment and the Sixth Amendment?

You are going to hear from that person shortly because it is one person in the Senate who objects to the Fifth Amendment and the Sixth Amendment applying to those who are accused of a crime in our country—captured in our country and accused of a crime in our country. This person would deny you a lawyer. This person believes the entire world is a battlefield, including the United States, so we need to have martial law in the United States. This person discounts the whole presumption that you are presumed to be innocent until found guilty.

Why is this a problem? Well, after 9/11, we captured 119 people, and we tortured them. Our government tortured them, but, in retrospect, we found out that 26 out of the 119 were the wrong person.

Does anybody remember a time in our history when Black people were lynched because they were presumed to be guilty? This is what this is about. This is about people accused of a crime—not declared guilty, not found guilty, but you are willing to lock them up without a trial. I cannot think of anything more un-American.

You will hear today from the representative of the un-American position that the Fifth and the Sixth Amendments don't apply to everybody.

Some will say: Oh, the Fifth Amendment just applies to citizens, and maybe we could talk about citizens but not noncitizens. The Fifth Amendment says that no person shall be held or deprived of their liberty or due process, which is the whole idea of going to court. Nobody captured in this country can be deprived of that. The Sixth Amendment says: ''In all prosecutions, the accused''—not just American citizens but the accused.

People will say: Oh, we are talking about terrorists here, and they are terrible people. Absolutely they are terrible people. Everybody would want to punish the guilty terrorists, but do you want to punish people who are only accused of terrorism?

You say: Well, it is a terrible crime. We might as well just throw out the Constitution and throw out the Bill of Rights. Why don't we just lock these people up or, better yet, kill them? That is the mentality of lynching. That is the mentality of locking up all the Japanese during World War II. Is that who we are as a people?

They will have won after 9/11 if we give up on the Bill of Rights. If we give up on who we are, they will have won. We presume people to be innocent. We don't lock up people because they are Japanese—not any longer—and we don't lynch people because they are Black—not any longer—because the Bill of Rights applies to everyone.

If you say, well, he is accused of terrorism, and he shouldn't get a trial, or she shouldn't get a trial, we have had 386 people accused of terrorism in our country, and every one of them has been convicted.

The man who killed 13 people in New York City the other day, if I am on the jury, I vote to convict, but I want to hear the evidence first. I want to know that they got the right person. I want to know that someone saw him do it, that there is evidence—not just because he has brown skin we are going to lock him up and lock him up forever without a trial.

We have convicted everybody tried in the United States. We didn't give up on who we are. Yet the law currently says—thanks to several individuals—that you can be detained forever without a trial.

President Obama signed this law, but even President Obama knew it was a terrible law. He said: This law, this power is so terrible that I will never use it.

But that is not what the law is about. The law is about being so good that even when you get a rotten person in office someday, they don't have the power to do this. What happens if someday we elect someone who is a bigot or someone who says that gay people should be guilty or someone who says that Brown people or non-Christians or Christians or homeschoolers—you name it—you can be a minority of the color of your skin or a minority of your ideology, but we should never let the government lock you up without a trial, without a lawyer.

The amendment I have been trying to get for 6 years simply restates the Constitution, restates the Bill of Rights. It says that no declaration of war will allow people apprehended in the United States to be held without a trial. We not only can't get this passed, we can't get a vote on it because certain individuals have such disregard for American tradition, disregard for the presumption of innocence, and disregard for the Bill of Rights that they object to even having a vote. So we have been trying for 6 years to have a vote on this.

Mr. President, I ask unanimous consent that it be in order to call up my amendment, which would forbid indefinite detention of American citizens and others who are accused of a crime, amendment No. 2795 to amendment No. 2282.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I will try to be brief. I appreciate Senator PAUL's passion. He has been doing this for 6 years. I think he has been wrong for 6 years.

Let me say something. There is a reason I am not talking about eye surgery on the floor: I don't know anything about it. You are talking about legal concepts you clearly don't know anything about. You are fighting a crime; I am fighting a war. If it were up to Senator PAUL, there would be no difference between a criminal and a warrior. Radical Islam in the form of ISIS is not trying to steal your car or break into your house; they are trying to destroy your way of life. So if you believe we are at war, as I do, we should apply the law of war.

For 33 years, I was a military lawyer, a prosecutor, a defense attorney, and a military judge. I think I know the difference between fighting a crime and fighting a war. When it comes to fighting a war, if you capture somebody who is part of the enemy force, the last thing we worry about is how to try them. We want to hold them under the law of war to gather intelligence, to make sure we understand what this person knows about any enemy operations.

We had 450,000 German and Japanese prisoners in the United States. Guess what. Not one of them had a lawyer. If you had said what he just said, in World War II, they would have run you out of town. Most Americans would find it odd that a Japanese or German prisoner of war would be entitled to a lawyer under the Bill of Rights because they are not.

We are fighting a war, and I would like to win the war sooner rather than

later. When it comes to killing the enemy, that is part of war. But if you are lucky enough, clever enough to capture one of these bad guys, the last thing I want them to hear is ''You have a right to a lawyer.'' You don't. Under military law, no enemy prisoner has a right to a lawyer. You are talking about fighting a crime; I am talking about fighting a war.

There are 44 people in Gitmo who have been held for over a decade who will never see the light of day because they are part of the enemy force. They have had due process under the law of war, and they are too dangerous to let go. They are not going to be tried in Federal court and they are not going to be tried by military commission because they are too dangerous to let go. And we have no interest in a trial; we have an interest in keeping them off the battlefield. They will die in jail without a trial.

That is what happens when you join al-Qaida or ISIS—you can get killed, or you can die in jail. So if you are an American citizen thinking about joining ISIS, don't. You are not going to be captured because of the color of your skin or your religion or your political views; you will be captured because you turned on your own country.

In every war we have ever had, American citizens have unfortunately sided with the enemy. Guess what ISIS is trying to do as I speak. They are trying to recruit people in our own backyard. How many people have bought the propaganda over the internet? The two guys in Boston—one of them had permanent status. They bought into this crazy construct that you have to kill everybody in the name of religion. The guy who ran over the folks in New York—all these people have one thing in common: They were radicalized by the enemy, and they became soldiers of the caliphate.

So here is what I am trying to say: It is not my view of the Constitution that I want you to look at; it is what the Supreme Court has said.

Ex Parte Quirin—a 1942 case—involved capturing German saboteurs in Long Island. The last time I checked, Long Island, NY, is part of the United States. You had American citizens collaborating with the enemy. They were captured as a group. The American citizens were tried by military commission, and one of them was executed. Why? Because under the law of war, once you join the enemy, your American citizenship doesn't protect you from the consequence of your act.

In re Quirin said: Citizenship in the United States of an enemy belligerent does not relieve him from the consequences of belligerency which is unlawful because [it is] in violation of law of war.

In 2009, an American citizen captured in Afghanistan was fighting for the Taliban. There is no bar to this Nation's holding one of its own citizens as an enemy combatant. For those who understand the law of war, this is one of the timeless concepts.

He is trying to turn the war into a crime. I agree with Senator PAUL—if you are charged with a crime, you can't be held indefinitely and questioned without legal representation because you are being accused of a crime, and you have rights as a criminal defendant. When you become an enemy combatant, you have rights under the law of war, and there is no right for an enemy prisoner to be given a lawyer.

Mr. PAUL. Mr. President, regular order.

Mr. GRAHAM. Mr. President, I object. I have so much more to offer, but I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

Mr. PAUL. Mr. President, I think it is important to listen to what you heard and analyze what you heard because apparently, if you are defined as an enemy combatant, it would be OK not to have a trial and not to have a lawyer. You wouldn't be presumed innocent; you would be presumed guilty. But the question you have to ask is, Who gets to define the enemy combatant? If the government gets to define you as an enemy combatant, is it not conceivable that you could be an enemy combatant because you are a minority either of skin color or of ideology? Has it happened in the past? The Japanese citizens were a minority, but there was no evidence—no one presented any evidence that they were a threat or had done anything wrong.

The Non-Detention Act attempted to fix this. There were people like this back in the time of World War II. There are people like this in every war, people who are frightened of those who would attack us, so they want to give up the Constitution to make it simpler to get to guilt. You don't have to have a trial; you just proclaim people guilty. If you proclaim someone an enemy combatant, there will be no trial, but it begs the question: Who gets to decide? Are we going to let one person decide, or are we going to have a jury? Imagine how important this is to our country. We should be alarmed that there are people trying to prevent a trial by jury in our country. It hasn't been used so far, thankfully. We have actually 386 times taken terrible, awful, rotten people who have tried to attack us, and we tried them in courts with juries. We presumed they were innocent. We found them guilty, and we punished them.

See, the problem isn't about how terrible terrorists are or terrorism is. Murderers are equally as bad. We had somebody go in a nightclub in Orlando and kill 125 people. He is as evil as any terrorist out there. Yet he will get a trial, not because anybody condones what he did, not because anybody doesn't want to punish him, but we will give him a trial because it is part of who we are. It is part of America to have trials.

You will short-circuit America, you will short-circuit American history if you get rid of a trial by jury, if you get rid of presumption of innocence. It doesn't mean we have any sympathy for the guilty, but we have to make sure we get the guilty. We can't just prosecute people because they have brown skin, because they have black skin, because we don't like the way they act or we don't like their religion. That is what becomes of a country that doesn't have trials. Look around the world. There are countries that don't have trials. That is not who we are. We cannot be so frightened of terrorism that we are going to presume guilt and have no trials. It will end up in tyranny.

So I ask again and again—and I won't ask it now because the Senator from South Carolina has left, but I ask again and again, will this body not allow a vote? This isn't even about his voting no; it is about his objecting to even the democratic process of the Senate allowing a vote.

So America needs to know there is one opponent in the Senate who does not believe in the Bill of Rights. When he declares you an enemy combatant, you don't get the Fifth or Sixth Amendments. That is what this is about. I am happy if he wants to go home and defend that, but this is a very important debate and should not end here.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak on the NDAA bill that is before us today.

I think most people know that we have been engaged in some tariff discussions with other countries through the administration. We have a trade act of 1974 and one of 1962 that have laid out provisions as to how we would go about dealing with tariffs. In section 232 there is a place which states that the President of the United States can declare something a national security issue. When he does that, it keeps him from having to go through the normal process that one goes through in dealing with tariffs.

Typically, when the President chooses a section of the trade act, he has to go through a process. When he decides that he wants to put a tariff in place on another country, he has to go to the ITC or some other entity to show that, somehow or another, the United States has been harmed as the reason that he would be putting tariffs in place.

What our President has chosen to do in recent times is to declare that almost everything that he is dealing with relative to tariffs is a national security issue. When he does that, it means that he does not have to lay down grounds for having done that. He can just determine that it is in our national security interests to put in place tariffs on other countries, whether it is automobiles, whether it is steel, whether it is aluminum, or whether it is some other issue. He can just wake up one morning, without going through

any of those processes, and decide that, on national security grounds, he is going to put tariffs in place.

Article I of the Constitution declares that Congress is the determiner on tariffs. Congress, per the Constitution, has been charged with the ability—actually, the responsibility—to deal with tariffs and to deal with revenues. It is the responsibility of the Congress.

Because I have been somewhat concerned that we are using this national security issue just as an ordinary course of business, I have offered an amendment to deal with that, since this is a national security bill, which says that the President can continue to deal with these other countries and he can continue to try to work through trade agreements, but, at the end of the day, if he actually decides to put tariffs in place, he would have to come to Congress to get an up-or-down vote.

Because we don't want to slow the administration's ability down too much in this regard, we have actually put in this amendment an expedited process so the President would know that we are not going to drag this out forever, so that when he comes to a conclusion, we will have acted on it in a timely fashion.

I have done this for another reason; that is, if we as a country begin claiming that every single item is a national security issue, other countries will do the same. What they can then do is to avoid the processes that take place generally in international organizations to have to prove that, somehow or another, their country has been damaged. If we use the national security issue to put tariffs on automobiles, for instance, then, all of a sudden, another country can do the same.

My amendment, by the way, is supported by 17 Senators. It is supported by Senators on both sides of the aisle. Taking myself out of it, these are Senators who are very well respected, with a wide range of ideologies. As a matter of fact, this probably is the most cosponsored amendment that has been put forward.

I have been really proud to be able to work with Senators who care deeply about the Nation. They care about us economically. They just want to make sure that we as a Congress perform our appropriate roles, making sure that if a tariff is going to be put in place under this very unusual waiver—which has never in the history of our country been used as it is now being used by this current President—then we have the ability to at least have a say in this.

It is not unlike the President going to Singapore and meeting with Kim Jong Un. What they have told us is that they are going to negotiate through a process that, hopefully, will cause them to be denuclearized. But when they complete that process, they plan to bring that to the U.S. Senate to have us ratify a treaty. They have been very clear about it. So it is exactly that same kind of process, except in this case it is even more our responsibility to make sure that if we are going to tariff people under this unusual section, we vote up or down.

So I am going to call up this amendment. I appreciate the way the chairman of the committee has worked with me. I know there has been a lot of resistance to our having a vote on this amendment. I don't know why that is the case.

UNANIMOUS CONSENT REQUEST—H.R. 2372

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 301, H.R. 2372; that the text of H.R. 5515, the National Defense Authorization Act for Fiscal Year 2019, be offered as an amendment, considered, and agreed to; that H.R. 2372, as amended, be considered original text for the purpose of further amendment; that the text of Inhofe-McCain No. 2282, as modified, be made pending as a substitute to the text of H.R. 2372, as amended; that McConnell-Toomey No. 2700 be made pending to Inhofe-McCain No. 2282, as modified; that Reed-Warren No. 2756 be made pending as an amendment to Toomey No. 2700 and that Toomey No. 2700 be set aside; that Corker amendment No. 2381, as modified with changes at the desk, be made pending to amendment No. 2282; that Lee No. 2366 be made pending as an amendment to the language proposed to be stricken by Inhofe-McCain No. 2282; and that the Senate vote on the Corker amendment at 4 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object, we just heard a very lengthy explanation of an amendment that no one had seen until about an hour ago—at least I don't know of anyone who has.

I think the Senator from Tennessee has every right to do what he can to get his amendment heard, and there are opportunities other than the Defense Authorization bill. One of the problems—and I have worked on these Defense authorization bills for years and years—decades—is that they know it is going to pass. It has passed for 57 consecutive years. So a lot of people who want to put in things that are nongermane and very often controversial want to put them on that because they know it is going to pass.

Senator CORKER's is not the only amendment that is a problem amendment for this. There are two other nongermane amendments, one by Senator LEE and one by Senator PAUL. They say: If I don't get a vote on my amendment, then I am going to stop all other amendments from coming up, so nobody gets to have an amendment.

At the same time that they are saying that about the Paul amendment and the Lee amendment, we have other Members, such as Senator GRASSLEY and Senator GRAHAM, who are both saying: We are going to make sure you don't get a vote on that. So, whatever the case is, you have opposing parties saying: If you get a vote on something I disagree with, I am going to stop all amendments from coming forth. In a way, they can do that, and I can see that happening right now.

I would ask my friend—because I am going to object; I am going to object not just because of the underlying bill but because it is an amendment that changes the underlying bill.

I have had occasion to talk to two Members of the House who will be part of our conference committee, who strenuously object, not so much to the content of the amendment but to the fact that this is being put on. It will force the House to go back in and reconsider their bill, according to our friend who just advised us of that. So I don't want to do anything that is going to either jeopardize or delay the passage of the Defense authorization bill.

I just got back from Afghanistan, Kuwait, and places all over the world where our troops are, and they all know that this is the week that help is on its way.

We have suffered in this Chamber for the last 10 years. During the Obama administration—I don't say this in a negative way about him, but I will say that he didn't have a strong national defense as a top priority, and he had a policy in which he said: We can't do anything about sequestration in defense unless we do the same thing for the nondefense programs.

What does that tell you? It tells you there is no priority for defending America. That is not what our Constitution says. That should be a priority.

As a result, we have a lot of systems that have gone down. As General Dunford, Chairman of the Joint Chiefs of Staff, said: We are losing our competitive edge. We are losing it. Actually, he said that 2 years ago, so we have lost it in some areas.

Artillery is a good example. Right now, artillery is measured by two means—one by rapid fire and one by range. Both China and Russia now have better artillery than we have in the United States. Most people don't believe that. They don't know what has happened to our military.

Hypersonic is the new weapon that operates at five times the speed of sound. This is something we have been working on. We are racing against our peer competitors—China and Russia—and they are ahead of us. They are ahead of us in the area of the nuclear triad. We haven't done anything to our nuclear program in the last 10 years, and they are ahead of us.

So all these things are happening. The troops know it is out there. They know their pay raise is in this bill. They know their benefits are in this bill. They know it is a good bill. It should pass unanimously in the U.S. Senate. But if you start putting something on it that, No. 1, doesn't belong on it in terms of germaneness, and, No. 2, is going to cause a pause that could be detrimental to our fighting troops

and for getting the bill done, then I wouldn't want to do that.

So I would like to join Senator CORKER in finding another bill. I will do all I can to help him to get that on as an amendment, but not to the Defense authorization bill. I think this would cause a lot of damage. The House agrees with this. I can't let that happen. For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. CORKER. Mr. President, I am going to make a few comments here.

I thank Senator INHOFE through the Presiding Officer for working with me. I realize there is a lot happening here, and I know he is conducting to the best of his ability the progression of this bill. I will just leave it at that.

Mr. President, I was asked to find a solution to this blue-slip issue, and I found one that is used as customarily as waking up in the morning and drinking a cup of coffee. It happens all the time. This in no way has any effect on our ability to pass the NDAA in a timely fashion, but I am in no way countering the person who just spoke. I am not, and he knows I am not.

I am going to speak to a larger issue, but before I do, I want to point out that the NDAA usually passes each year in November or December. It usually doesn't pass in June. So even if there were something that needed to be worked out, we would be way ahead of schedule in dealing with this as we are between now and August.

But if I could, the germaneness of these bills has nothing whatsoever to do with our ability to offer amendments—nothing. That is something that happens postcloture.

For the last year and a half, under Leader MCCONNELL, we have had one amendment vote—one amendment vote—and that amendment wasn't even really an amendment. It was a chairman who was controlling his own bill and asking if he could substitute his own amendment. So it really wasn't even a real amendment vote.

We have been here a year and a half, and because Senators—U.S. Senators who are elected by the people in their States—don't want to cast a tough vote, they block everybody from voting. I have no idea why RAND PAUL cannot get a vote on his amendment. It is ridiculous. He has been trying to get a vote on it for years—years—and we have blocked it. Why is that?

For the record, I want to say that I have held amendments this morning until we could work out the solution. I am not holding any amendments—none, zero. I am holding no one's amendment. But we, as Senators, are worried somehow that, gosh almighty—I heard the senior Senator from Texas saying the other day: Gosh, we might upset the President. We might upset the President of the United States before the midterms. Gosh, we can't vote on the Corker amendment because we are taking—rightly so—the responsibilities that we have to deal with tariffs and revenues; we can't do that because we would be upsetting the President of the United States. I can't believe it.

I would bet that 95 percent of the people on this side of the aisle intellectually support this amendment. I would bet that. I would bet it is higher than 95 percent, and a lot of them would vote for it if it came to a vote. But, no, no, no, gosh, we might poke the bear. That is the language I have been hearing in the hallways. We might poke the bear. The President might get upset with us, as U.S. Senators, if we vote on the Corker amendment, so we are going to do everything we can to block it.

If people don't like it, they can vote up or down. But, no, the U.S. Senate right now, on June 12, is becoming a body that says: Well, we will do what we can do, but, my gosh, if the President gets upset with us, then we might not be in the majority. So let's not do anything that might upset the President.

Look, I am in no way upset with my friend from Oklahoma. I am not. I understand he is doing his job, and he is actually filling in, in a wonderful way, for Senator MCCAIN, who happens to be ill at home—someone we all love.

Look, I know there is not going to be a vote on this amendment. I know it. I am not about to hold up somebody else's amendment from being voted on. I know every ounce of power possible is going to be used to keep from voting on this amendment because, well, my gosh, the President might not like it; therefore, we as Senators might be offending someone, by the way, just by voting on an amendment—voting on an amendment, up or down, and deciding whether we, in fact, want to assert some responsibility over a process of tariffing, where we wake up, ready, fire, aim. Well, let's change this. Ready, fire, aim—that is the process that is under way on these tariffs.

I haven't heard of a single Senator on our side who hasn't expressed concern to the President directly about what is happening with tariffs. Our farm folks are worried about NAFTA. Our auto manufacturers are worried about Canada and Mexico and what is happening in Europe. Our steel and aluminum folks are concerned. I haven't heard of a person who hasn't had some degree of concern. All my amendment would do is say: Look, Mr. President, you go negotiate, but when you are finished, come back, and as Senators and as House Members, let us vote up or down.

I understand what is happening. If I came up with another solution, there would be some objection, and my friend knows that. There is going to be an objection. Hell, if we named this—no matter what, there is going to be an objection to this vote because people are concerned on this side of the aisle—some people, not everybody. We have some great cosponsors who want to assume our responsibilities. We have a lot of great cosponsors who understand that we are abdicating our responsibilities if we let the President of the United States use a national security section 232 on every single tariff he is putting in place and not have to think about why he is doing it and not have to justify why he is doing it. They know that is a problem, and some of the most respected Senators we have on both sides of the aisle have signed on, but I know there is a minority of people here who do not want us to take up issues of debate and responsibility in the U.S. Senate.

I know that no matter what I do, this is going to be objected to. I am not going to object to RAND PAUL having an amendment, MIKE LEE having an amendment, TOOMEY having an amendment, or people on the other side of the aisle.

I am disappointed at where we are in the U.S. Senate today. We have had one amendment vote in a year and a half because this same cycle occurs every time someone wants to bring something up. I in no way take this out on my friend from Oklahoma. I realize he is doing a job; I realize he has been asked to block this.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I have been listening to the debate, and I wish this debate would go on, on a regular basis, in the U.S. Senate. I think it is healthy. I wish there were a process in place today so that every single amendment brought up could have this type of discussion and debate and those proposals could actually be amended on the floor of the Senate to improve them.

I will share with you that I thought what our friend from Tennessee was trying to do was an honest attempt to bring back to Congress section 1 or article I responsibilities that we have, over a period of years, allowed to be delegated to the executive branch.

I also shared with the Senator that while the debate was a very healthy one, I felt at this stage of the game that it probably would not, in its current form, be appropriate and that the President was already acting on these tariffs. I thought that I probably could not support his bill, but I thought he should have an opportunity in this process to have the debate.

Let me now share that what the chairman—or the ranking member, who is acting as the chairman in this particular case—is doing is protecting the National Defense Authorization Act and making it as viable as possible in the long term to survive in both the House and the Senate.

For those who are wondering what we are talking about in a nebulous sort of way, what Senator CORKER had tried to do was to have a debate about whether the tariffs that the President had proposed for national defense purposes under a 1962 law were appropriately determined to be a national security

threat. That was the language Congress had delivered to the President.

The President has made his choice, and there are a number of Members who feel that while they support the President, they think he has overstepped with regard to whether they were actually of national security importance. Senator CORKER wanted to have that discussion, and I agreed he should be able to have that discussion. However, I had shared with him that I thought it needed to be in different order and that he was making it too tough for the executive branch to succeed with the numbers he had proposed. He wanted a 60-vote margin for the Senate to proceed. That is the way, though, he was going to introduce it.

I was prepared to vote on it and, hopefully, win in an honest debate on the floor of the U.S. Senate with those arguments, but in doing so, I also learned, as the chairman has shared, that the House had sent over a bill to us. We were on the House bill. In order to get, in this particular case, a vote on this particular topic, the Senator from Tennessee, in a very innovative way and one that normally would be used earlier in the process where everyone had the opportunity to recognize it, would have to change the underlying bill. In changing the underlying bill, it would have to go back to the House, and they would have to revote on the bill once again. Doing so puts this very important bill in jeopardy. As a Member who has been here only for 3 years, I understand that is not always the easiest thing do.

I wish to thank our Chairman for making what is a very hard decision and stepping up to protect the National Defense Authorization Act because of everything else that is in it, while at the same time I will commit the same as the chairman has committed, in this particular case, to Senator CORKER that his item of discussion, which is the appropriate use of tariffs for national defense purposes, is a healthy debate to have, and it should be had in such a fashion that amendments could be offered on the floor of the Senate, and a very straightforward debate could then determine the fate of that legislation on its own and not in connection with the NDAA.

For that purpose, I simply wish to say that what I think the American people have seen here today is, No. 1, our commitment to making certain that the National Defense Authorization Act moves forward because it is critical every single year that we improve our ability to defend our country, while at the same time making a very hard decision, which the chairman did today, to suggest that even though we all want to have a debate on this particular issue, unfortunately, this bill is not the place to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the comments by the Senator from South Dakota. I think the point is, this is the most important bill of the year.

I want to make only a couple of comments, and I was hoping to make these comments while the Senator from Tennessee was still here. One is that I have a disagreement because he mentioned that this bill—the most important bill of the year—is very often not considered until November or December. The absolute deadline is the end of December. I can remember getting within 2 or 3 days of that deadline in the past, and, if that happened, then our flyers wouldn't get flight pay or there would no longer be any hazard pay. There were a lot of things we would have to give up that we couldn't afford to give up.

We made a commitment—and it wasn't just me by myself; it was with the Senator from Rhode Island, who is handling the bill on the Democratic side—that we wanted to have amendments. We preferred not to have nongermane amendments, and that would be my goal, if I am around here next year when we do this, to lay groundwork so that we don't have nongermane amendments. As I said, this is a bill that will pass. Normally, for things that don't pass any other way, if they can get them on as amendments, they can get them passed.

We have the same situation happening right now, not just with Senator CORKER but also with Senator RAND PAUL and the Senator from Utah. That wasn't going to work either way. The problem I had with Senator CORKER's change was it was a very long change that changed the underlying bill, and, as was pointed out by the Senator from South Dakota, that would mean we would have to go back over to the House. I don't feel comfortable doing that when we have all of those kids out there who are looking at pay raises and wondering what is really happening in Washington. Is there really not the support we anticipated that they all had?

I am sincere when I say this; he isn't here now, but I said it when he was here. If Senator CORKER wants to get this done, and I know he does, I will help him. We have a lot of time to find another bill that might be more germane, but it would not be on this bill that we really can't afford to jeopardize. I feel strongly about that. We were attempting to help him get a vote initially, and then, when he changed the underlying bill, that meant we would have to go back to everyone. He mentioned his coauthors, and we don't know how many of those coauthors would still be supporting his amendment if they knew it was changing the underlying bill.

Those are the problems we have here, and I think we want to get on with, as rapidly as possible, getting these amendments opened up so that people can vote on the amendments and hopefully get the bill done this week. I don't know if it will be this week or not.

Senator CORKER was also implying we are doing something for this President with this amendment, and I wish to remind everyone of the fact that there are several things the President—our new President—had in mind. He wanted to privatize air traffic control. I almost singlehandedly stopped that, and that was one of his main objectives. Also, he wanted to have a BRAC round in this bill that is on the floor now, and we stopped that. Many of the provisions that he wanted we have taken out of the bill.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. PORTMAN). The Senator from Minnesota.

STOP ACT

Ms. KLOBUCHAR. Mr. President, I am here to talk about net neutrality. First, though, I wish to commend the Presiding Officer for the agreement we have made on the STOP Act. He is the lead sponsor, and I am the lead Democrat on the bill that will really get at these drugs, like fentanyl, that can kill someone with just a grain-of-salt amount of it, which have been coming in from China and other places through our own Postal Service, which is outrageous for Americans. We have valiantly worked on this bill, and the Senator has worked out an agreement with Senator HATCH and Senator WYDEN on the Finance Committee. I want to commend him for that. We are excited the bill is moving forward.

Mr. President, I also want to mention another completely separate issue as we debate the NDAA, which is the issue of the Secure Elections Act that Senator LANKFORD and I have put on as an amendment to this bill.

Let me remind my colleagues that we are approaching a different kind of warfare; that is, cyber warfare. It is certainly what we saw during the last election, but we have seen it in the area of business—in attacks on some of our major businesses in our own country—and, of course, we have seen it in elections, as well, with Russia attempting to hack into the election systems of 21 States.

What this bill does is make it easier for local elected officials to get the information in realtime when hacks that they may not know about are going on in other States and to have the classified information they need by getting the security clearance they need to protect their own election system. We have worked with the secretaries of state all over the country on this. Senator BURR, Senator WARNER, the heads of the Intelligence Committee, support this bill.

I also thank Senator LINDSEY GRAHAM and Senator KAMALA HARRIS, who worked with us on the bill, and we are asking to get it on as an amendment to the Defense Act with the simple idea that warfare isn't the same as it was 50 years ago or 20 years ago or 10 years ago or even 5 years ago. Things are changing, and our laws need to be as sophisticated, the protection of our

country needs to be as sophisticated as those who are trying to do us harm. We are hopeful that we will be able to reach an agreement on this, given that the Intelligence Committee has held numerous hearings about election security, as has Homeland Security, as has Judiciary.

NET NEUTRALITY

Mr. President, today, I am here in opposition to the Federal Communications Commission's action on Monday to repeal net neutrality protections. Net neutrality is the bedrock of a fast, fair, open, global internet. It holds internet service providers accountable for providing the internet access consumers expect while protecting innovation and competition.

These protections have worked and are part of the reason the internet has become one of the great American success stories, transforming not only how we communicate with friends and family but also the way companies do business, how consumers buy goods, and how we educate our kids.

Earlier this year, the FCC approved Chairman Pai's plan to eliminate net neutrality rules. Yesterday, the final rollback of net neutrality went through. The FCC has now given major internet service providers the ability to significantly change consumers' experiences online. Big internet service providers now have the ability to block, slow, and prioritize web traffic for their own financial gain. This means they can sort online traffic into fast or slow lanes and charge consumers extra for high-speed internet. Internet service providers can even block content they don't want their subscribers to access. The only protections that are maintained are requirements for service providers to disclose their internet traffic policies. A lot of good that will do if, in like the State of Minnesota, you have significant rural areas where there is no real opportunity to comparison shop or find a new provider. If you only have one provider to go to, it has a virtual monopoly over your internet service.

According to the FCC, more than 24 million Americans still lack high-speed broadband. We should be focusing our efforts on helping these households get connected, not eliminating net neutrality and worsening the digital divide. You can always pay for high-speed access. You can pay for it no matter where you live. You can run lines to your house if you are in a remote area—lines that will cost millions of dollars. But that is not what they have done in other developed countries. No, they have seen it as a virtue, as part of a democracy, that everyone should have access to the internet and that it is part of what makes an economy work. You don't leave people behind if they don't have the money by themselves to afford to run lines all the way to their homes.

This isn't only about individual internet users. It will limit competition, and it will hurt small business entrepreneurship and innovation, which has always been at the heart of the American economy. Without unrestricted access to the internet, entrepreneurs may be forced to pay to have an equal footing so as to be able to compete online, rather than to focus on growing their businesses.

When you talk to small companies—to some of the startups we have seen out there, some of the companies that young people have started—and you ask them: How do you break into the market when you have a big guy out there who has millions and millions and billions and billions of dollars and a multinational presence if you are trying to sell baby clothes or if you are trying to have a new digital service, they tell you: It is online. They break in because they can compete by getting customers online. Guess what. If they start having to pay huge amounts of money to get that access online in order to compete with the big companies that, of course, can already pay for that and can already afford that, you are going to have a problem, and you are going to defeat the very idea of entrepreneurship.

Small businesses that are unable to pay for access to faster internet service may soon find themselves struggling to compete from the slow lane. Repealing net neutrality will hurt the very people who are creating jobs and keeping our economy competitive. That is why I joined my colleagues to force a vote last month on Senator MARKEY's bill to repeal Chairman Pai's plan and reinstate net neutrality rules. This bill received bipartisan support and was passed by the Senate—in this very room. Now it is up to the House to do the same.

The internet should remain free and open for all who use it. So the fight to save net neutrality is far from over.

I have joined Senate Democrats in urging Speaker RYAN to immediately schedule a vote on the bill to save net neutrality protections. They can do this. To keep the pressure on, it will take all of us, working together—private sector partners, business, small business, nonprofit advocates—to tell our government officials at the local, State, and Federal levels to take that good vote in the Senate as a sign that it is time to change the policy. The way you do that, of course, is with a vote over in the House of Representatives. At least allow a vote.

The fight to protect net neutrality is far from over, and we need to make our voices heard for all of the American consumers, entrepreneurs, and innovators who rely on a free and open internet.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to urge my colleagues to join me in voting for a bipartisan amendment, No. 2294, the Military Justice Improvement Act. It will fix our broken military justice system.

I believe our servicemembers deserve a military justice system that is worthy of their sacrifice. That means one that is both professional and fair. I think every one of my colleagues in this Chamber agrees that this is a priority, no matter where you are from and no matter your background. Some of my newer colleagues may be less familiar with this issue. So I am going to tell them what I am talking about.

We all deeply revere our servicemembers, which means it is not easy to talk about problems within an institution that we treasure so greatly in this country. The fact is that the military has a problem with sexual assault. It is pervasive, it is destroying lives, and it has been going on for years.

Listen to these most disturbing numbers.

Since we first introduced this bill 5 years ago, the number of cases that commanders have moved forward has decreased despite an increased number of reports. In fiscal year 2013, 484 cases proceeded to trial, and in fiscal year 2017, only 406 cases proceeded to trial. It is estimated that there were close to 15,000 cases of military sexual assault in 2016. That doesn't even include spouses and civilians in that estimate. It is just an estimate of servicemembers. In a survey of Afghanistan and Iraq veterans—and supported by the Department of Defense's own data—7 out of 10 military sexual assault survivors said they had experienced retaliation or other negative behaviors because they had reported the crimes, and 14 percent of survivors declined even to participate in the justice process after their reporting. That is how little confidence they have in this current system.

This is after years of our committee's working with the Defense Department to fix this problem. I think we have passed every small-ball, incremental reform anybody has been willing to agree on, and it hasn't made a difference. This is even after every Secretary of Defense since Dick Cheney was Secretary of Defense has said there will be zero tolerance for sexual assault in the military. Almost nothing has changed. Listen to these stories.

In one case, a woman was raped by a servicemember. She went to the hospital. She told a friend. An investigation then started. During the investigation, two more victims came forward to tell their stories. They said they had been raped by the very same servicemember. The military investigative team—the military police—recommended that the case proceed to a court-martial, but because of the way our military justice system works today, a military commander was in charge of the case, not a trained military prosecutor. That commander chose just to discharge the perpetrator—to send him right into the civilian world with no trial, with no court-martial, with no record. Not only were those servicemembers who were violently assaulted denied justice, but

a serial predator was also released into the general public. That is not right.

Listen to another case of a former marine who was working as an Air Force civilian. She was from a military family with Army and Navy veterans. She was proud to serve and loved to support the camaraderie, but she was abused by her own immediate commander, who had direct power over her in the chain of command. She tried to seek justice, but, once again, a military commander was in charge of the case, not a trained military prosecutor who understands these kinds of cases and understands criminal justice. Despite overwhelming evidence, including text messages, physical evidence, and eyewitnesses, the perpetrator was allowed to retire without bearing any financial penalty, without there being any charges, and with a full military pension.

My office hears all the time from women and men who have been raped in the military, who have been abused, who have been stalked, who have been retaliated against. It is an epidemic, and it is not improving.

Listen to the most recent headline from USA Today: ''Marine Corps general fired for calling sexual harassment claims 'fake news.' ''

The Navy Times reads: ''Officer accused of patronizing prostitutes worked in the sex assault prevention office while awaiting court-martial.''

The Stars and Stripes reads: ''Fort Benning drill sergeants suspended amid sexual assault allegations.''

USA Today reads: ''Bad Santa: Navy's top admiral kept spokesman after boozy party, sexual predator warning.''

Another from the same paper reads: ''Senior military officials sanctioned for more than 500 cases of serious misconduct.''

The AP reads: ''Pentagon misled lawmakers on military sexual assault cases.''

These are just the recent headlines. There is a pattern here.

Our military justice system is broken, and the Pentagon is not being forthright about this problem. Yet Congress is still hesitating. Congress is still refusing to put trained military prosecutors in charge of these cases. This has to end. Congress has to step in. It has to do its job. Our job is to provide oversight and accountability over the administration and over the Department of Defense on this very issue. We have the responsibility to ensure that military justice is possible for survivors in the military. It shouldn't matter if the perpetrator has skills that the commander needs. It shouldn't matter if he happens to be buddies with the commander. What should matter is whether there is evidence that a serious crime has been committed. That should be the determining factor of whether these cases go forward to trial.

We need to pass the Military Justice Improvement Act. This legislation is as bipartisan as it gets. It is supported by conservative Republicans and liberal Democrats alike and plenty in between. It has the support of some of the biggest veterans' organizations, women's organizations, and legal organizations. There is good reason for this in that the bipartisan bill we have put together would ensure that the survivors of these heinous crimes and the alleged perpetrators of these crimes will all be afforded due process—the due process they are entitled to under the U.S. Constitution.

The bill in no way exceeds a commander's ability to take action for military-specific crimes, like when a soldier goes AWOL. What it would do is to take the prosecutions of sexual assault and other serious crimes—serious violent felonies—out of the chain of command and put them in the hands of trained military prosecutors, who actually understand how to deal with serious crimes. This would allow our survivors—men and women who sacrifice everything for this country—to have the basic right to civil liberty and justice.

This bill would also professionalize the military. It would make sure that all people, every servicemember—men, women, Black, White, gay, straight—will not be subjected to biased judgments and will actually have the benefit of having trained prosecutors look at the evidence. Sadly, according to a report that came out recently, in all four of the services—Army, Navy, Air Force, Marines—Black servicemembers are more likely to be court-martialed than are White servicemembers. This is unacceptable.

This bill would help to alleviate some of the unfairness in the current system by having trained prosecutors make those judgments based solely on evidence. Our commanders have a tough enough job in defending our country. So we should let these trained prosecutors do their jobs and make the right decisions based on the evidence alone. We can only make this change if we pass this amendment.

I urge all of my colleagues to look at this bill—to look at it anew—and to look at the fact that we have not improved our rate of cases that actually go to court-martial and our rate of convictions, even though more are reported. It is a huge problem. I promise you. Every year, we have this excuse: Let the reforms take more time to work. OK, well, it has been 5 years, and this has had a spotlight on it. If the commanders cannot put more cases forward for court-martial and if the cases can't result in more convictions, we are not doing it right. We are failing the men and women who will die for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me state how much I appreciate the passion the Senator from New York has on this issue. She has been so outspoken on this in committee, and I think most of us agree that there are problems out there that need to be addressed.

In 2014, a congressionally mandated, independent panel of experts determined that there is no evidence that removing the authority to convene courts martial from commanders would reduce the incidence of sexual assault, increase reporting of sexual assaults, or improve the quality of investigations and prosecutions in sexual assault cases in the Armed Forces.

The Department of Defense opposes this amendment on the grounds that doing so will endanger military readiness and combat effectiveness without promoting the goal of eliminating sexual assault.

I don't know what the intentions of the Senator from New York are on this amendment, but in all fairness, I have to state that I will be opposing it. We did consider this in committee, and I have never seen a stronger advocate for a cause or an amendment than the Senator from New York. For some of us who have been in military service—I do have a problem with taking away the authority that has always historically been with the commander and feel that would not be to the benefit of the overall system.

Two years ago, Congress passed extensive military justice reform, which will come into effect next year. I think that is correct. Rather than imposing additional reforms, I think we ought to allow the DOD to work on implementing the previous legislation to see if that resolves some of the problems that are articulated very effectively by the Senator from New York.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

TAX REFORM

Mr. THUNE. Mr. President, when we took up tax reform, we had one goal, and that was to make life better for hard-working Americans. That involved a couple of things. For starters, it involved putting more money in Americans' pockets right away by cutting their taxes, and Americans are already seeing the tax relief we passed in their paychecks.

But we knew that tax cuts, as helpful as they are, were not enough. We wanted to make sure we created the kind of economy that would give American workers access to the jobs, wages, and opportunities that would set them up for security and prosperity in the long term. Since jobs and opportunities are created by businesses, that meant reforming our Tax Code to improve the playing field for businesses so that they could improve the playing field for workers, and that is what we did.

I am proud to report that it is working. Since tax reform was passed, business after business has announced good news for workers: pay increases, bonuses, and better benefits, including increased retirement benefits, new and better education benefits, and enhanced parental leave benefits.

A recent survey from the National Association of Manufacturers reported that 77 percent of manufacturers plan to increase hiring as a result of tax reform, 72 percent intend to increase wages or benefits, and 86 percent report that they plan to increase investments, which means new jobs and opportunities for workers. Meanwhile, a recent survey from the National Federation of Independent Business reports that 75 percent of small business owners think that the Tax Cuts and Jobs Act will have a positive effect on their businesses.

A number of small businesses are increasing wages, and that has recently hit a record 35 percent. In April, for the first time since the Bureau of Labor Statistics began tracking the data, the number of job openings outnumbered the number of job seekers. For the first time since they started keeping track, the number of job openings is greater than the number of people who are actually seeking employment. Meanwhile, in May, unemployment dropped to its lowest level in 18 years, and wage growth increased at the fastest pace since July of 2009.

In other words, it is a good day for American workers. There is nothing better than seeing opportunities improve for hard-working Americans. I am proud of the benefits the Tax Cuts and Jobs Act is delivering for American workers. I look forward to seeing this law produce even more benefits for workers in the future.

Mr. President, if there is one thing that we tend to automatically rely on, it is the strength of our military. We are accustomed to having the best fighting force in the world and assuming we can meet every threat. But military strength doesn't just spring up automatically; it has to be developed, and once developed, it has to be maintained. But in recent years, we haven't met this responsibility.

While we have the very finest soldiers in the world, they don't always have the tools they need to defend our Nation. Budgetary impasses paired with increased operational demands have left our Armed Forces with manpower deficits and delayed the acquisition of 21st-century weapons and equipment. Meanwhile, other major powers hostile to the United States have been building up their militaries. As a result, our military advantage has been steadily eroding.

In a 1793 address to Congress, President Washington said:

> There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it. If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

Ronald Reagan put it a little differently. He said:

> Well, to those who think strength provokes conflict, Will Rogers had his own answer. He said of the world heavyweight champion of his day, ''I've never seen anyone insult Jack Dempsey.''

There is no better way to secure peace than to make sure the U.S. military is the strongest, best equipped, most capable fighting force in the world. If we want to protect our Nation and promote peace around the world, it is imperative that we rebuild our military.

Since President Trump's election, Republicans have been working to reverse the underfunding of our military and to restore our Nation's fighting force. In March of this year, we arrived at a budget agreement that contained the largest year-to-year increase in defense spending in 15 years.

The fiscal year 2019 National Defense Authorization Act, which we are considering this week, is the next step in rebuilding our military. This bill invests in research and modernization to ensure that our men and women in uniform will be equipped to meet 21st-century threats, including those posed by major powers. It reforms the outdated Officer Personnel Management System to improve career flexibility and merit-based advancement. It makes reforms to the civilian leadership structure at the Department of Defense to make it more agile, especially for hiring technical talent. It implements measures to deter additional aggression from Russia and China—two of the biggest threats to the security and stability of the world in the 21st century. It provides a 2.6-percent pay increase for our men and women in uniform—the largest pay increase for our servicemembers in nearly 10 years.

I have offered a number of amendments to further the bill's mission, including one to expedite the backlog of foreign military sales. This will support the administration's efforts to balance trade deficits, support domestic industry, and permit America's security partners to make greater investments in their own capabilities.

I am also working on an amendment to allow the Air Force to incorporate the B–21 bomber when determining criteria for training airspace requirements. This will build off a report I secured in last year's Defense Authorization Act on how to optimize training airspaces. My amendment will enable the Air Force to formally incorporate this future aircraft into its planning.

I know the bill managers have a host of amendments before them, and I am hopeful that the Senate can come to an agreement and include many of those.

If we want our Nation to be secure, if we want to promote peace and stability around the world, then we need to ensure that our military is the strongest, best equipped fighting force in the world. This year's National Defense Authorization Act will help our military regain its competitive edge and equip our men and women in uniform with the tools they need to meet and defeat the threats of the 21st century.

I am grateful to Senator INHOFE for his leadership and to Senator MCCAIN, who can't be with us today but whose tireless work is reflected throughout this bill. I look forward to working with my colleagues to pass this legislation this week and ultimately get this bill to the President so that the important work of defending this country can continue.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FLAKE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

2008 IOWA FLOODS

Mr. GRASSLEY. Mr. President, a very disastrous thing happened 10 years ago in Iowa. The whims of Mother Nature tested the State of Iowa 10 summers ago when deadly tornadoes, storms, and floods caused more than $10 billion in damage to communities, homes, and businesses. It caused a lot of distress.

National disasters test the mettle of humanity by every measure. Iowans were tested in 2008. Unfortunately, parts of Iowa, like Mason City, are experiencing flooding once again, almost 10 years to the day.

Ten years ago, 88 of our 99 counties were declared a natural disaster. Epic floods and EF5 tornadoes ripped holes through the center of many neighborhoods. Thanks to civic leadership and thanks to bootstrap mentality, tireless volunteers and members of the National Guard answered the call to survive and thrive from the crisis. The rallying cry to rebuild and recover has driven a decades-long drive to restore and revitalize these Iowa communities hurt 10 years ago by these massive natural disasters.

It was a tough row to hoe. Orchestrating the massive cleanup is one thing; paying for it is another. Congress, as we often do for natural disasters, approved nearly $800 million in Federal block grants within the first year to help homeowners with restoration and buyout efforts. However, the wheels of the Federal bureaucracy too often are painstakingly restrictive to navigate. From Housing and Urban Development to FEMA and the Army Corps of Engineers, local residents got a firsthand taste of the Federal alphabet soup.

When community leaders, businesses, and homeowners got mired in bureaucratic molasses, I worked with our entire congressional delegation to take care of these immediate needs and to help develop long-term planning for the flood plain, such as levee improvements and flood protection systems to avert future catastrophes.

In addition to directing Federal disaster assistance to recovery and rebuilding efforts, I wrote the Heartland

Disaster Tax Relief Act to give flood-ravaged homeowners and businesses a fresh start. Just as Congress acted to help victims from Hurricane Katrina in 2005, 3 years before the disaster in the Midwest, I made sure that midwesterners also received a much needed break similar to what we provided at Katrina time.

Moving forward after a natural disaster isn't easy. Volunteers affirmed Iowa's treasured heritage of neighbor helping neighbor, rescuing residents and pets from flood-ravaged neighborhoods.

Voters across the State voted on measures to help their communities rebuild, and the State legislature passed laws to help areas mitigate against future disasters. City planners developed a strategy to revitalize their cities and towns.

Recovery efforts stumbled along the way, to be sure. It takes time to see sunshine and rainbows after one of the State's worst disasters in history. Collaborating and finding consensus isn't easy. In fact, governing isn't easy.

Despite the incalculable loss of personal belongings, blended with the physical, emotional, and financial toll of starting over, the people of Iowa didn't quit, and we are more resilient and better prepared now than we were before these disasters. However, work remains to be done.

Working alongside civic and State leaders for the last decade, we have identified specific needs and places where redtape gets in the way to improve flood protection in local communities. That is why I have worked with my sleeves rolled up alongside former Senator Tom Harkin and now Senator JONI ERNST and the rest of the Iowa delegation to ensure local infrastructure needs get up to snuff, including flood risk projects on the Cedar River and elsewhere.

Recently, the Committee on the Environment and Public Works approved a bill that, once again, highlights the importance of the Cedar River flood protection project and includes a secondary budgetary process that could lead to construction funds for this project and other Iowa priorities in the future, cuts redtape, and also improves public input, transparency, and accountability.

The people of Iowa have earned a well-deserved salute to civic participation. It is a good day to share pride with your fellow citizens. Thanks to our people's resilience and hard work, even better days are yet to come.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. ERNST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mrs. ERNST. Mr. President, I am here to call up my amendment today so we can save money for our Nation and for our military. Certainly, I am not here to derail the National Defense Authorization Act. I am thankful that again this year we have a great bipartisan bill, and I am hopeful my bipartisan amendment can be made pending today.

Amendment No. 2400 is the Presidential Allowance Modernization Act, and it has cleared committee by voice vote and cleared my colleagues on the Republican side on the hotline. However, my minority counterparts have had months to look at this bill now in amendment form, and it still remains blocked. This bill passed the House with unanimous support and has been included in the House NDAA bill.

This amendment would establish a cap on former Presidents' monetary allowances, which are currently unlimited and fund resources like office space, staff salaries, cell phone bills, and more.

Under this amendment, former Presidents would receive a $200,000 annual pension and an allowance capped at $500,000—a total of $700,000 in annual benefits. It would then reduce the allowance dollar for dollar by each dollar of income a former President earns in excess of $400,000.

The national debt is over $20 trillion. We cannot afford to generously subsidize the perks of former Presidents to the tune of millions of dollars.

With that, Mr. President, I would like to make my amendment pending. I ask unanimous consent that it be in order to call up amendment No. 2400 to amendment No. 2282.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The assistant Democratic whip.

Mr. DURBIN. Mr. President, this is the first I am aware of this amendment. It was given to me this afternoon to take a look at. I don't have any history with it.

It is interesting and coincidental that today is the 94th birthday of President George Herbert Walker Bush, the first President of the United States to ever live to the age of 94, a World War II decorated veteran, a man who served this country in so many different ways.

This effort to eliminate the expenses—an amount that is paid to him as a former President—I had not seen before today. I am told this amendment would save the Treasury $4.3 million a year. So I would like to suggest to the Senator from Iowa—I am going to make an official request in this regard. We can do much better than $4.3 million a year in deficit reduction.

I am going to ask the Senator from Iowa if she will modify her request to shave $404 million over 10 years by ensuring that millionaires across the United States—in Illinois and in Iowa—don't receive generous crop insurance subsidies.

Big agribusiness in Iowa and Illinois receive government subsidies to the tune of nearly $600 million. A GAO study found that 4 percent of the most profitable farmers in America accounted for 33 percent of all the Federal premium support.

My legislation that I am asking to be added to the Senator's amendment would reduce premium support for producers with an AGI, adjusted gross income, higher than $750,000 a year, and it will only reduce it by 15 percent.

So I ask the Senator to modify her request so the text of her amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Will the Senator so modify her request?

Mrs. ERNST. Mr. President, reserving the right to object, I do think that is a timely request. Thankfully, the farm bill is being marked up tomorrow in the Agriculture Committee, and I do think that is the appropriate venue to discuss the caps on subsidies for crop insurance. I would agree that is probably a wise thing to take a look at.

However, what we are dealing with right now is the fact that we do have former Presidents who are receiving substantial perks from our American taxpayers. So I am disappointed that my colleagues across the aisle continue to block this bipartisan amendment designed to save millions of dollars.

Do my colleagues across the aisle think former Presidents should continue to receive unlimited, taxpayer-funded allowances as they make millions and millions of dollars per year from book deals and speaking engagements? It is not uncommon for a former President to command $400,000 per hour-long speech. The average household income in Iowa is about $55,000. That means that in about 8½ minutes, that former President is making what an Iowa family makes in a year.

I wish my colleagues across the aisle would reconsider.

I formally object to the modification.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. ERNST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. SMITH. Mr. President, I ask unanimous consent to speak as in morning business.

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

CAMPAIGN FINANCE REFORM

Ms. SMITH. Mr. President, last week I gave my first floor speech. I spoke about how important it is for women to be represented in our government and why it is so important to keep working so that our legislature reflects the views and experiences of all Americans.

While increasing the number of women in this Chamber is important, it won't be enough by itself. Elections cost too much, and that is a big problem in our country. The sharp rise of secretive, unregulated money in politics means that we have no idea who is spending money on campaigns and candidates or why, and that is a profoundly troubling problem for our democracy.

While there are many causes of the rise of money in politics, perhaps the biggest is the 2010 Supreme Court decision Citizens United v. FEC. The 5-to-4 decision in Citizens United struck down key limitations on campaign contributions that were enacted on a bipartisan basis in 2002.

That decision has had dire consequences for our democracy. Since Citizens United, there has been successively more money poured into each congressional campaign cycle. Much of that money has come from super PACs and other secretive organizations that are structured specifically to hide the identity of their donors. Other funds have come from large corporations that can afford to spend millions on political activities in order to further their own special interests.

What is the upshot of all of this? Super PACs and other dark money organizations spent some $1.4 billion in the 2016 election. We often have no idea who did the spending or why.

This kind of secretive, unlimited, corporate-driven political spending is unfair to voters in Minnesota and around the country. That is why I am fighting so hard to reform our campaign finance system.

One of the most important things we can do is to enact a constitutional amendment to reverse the Citizens United decision. In my very first month as a Senator, I cosponsored Senator TOM UDALL's legislation to do that. A few wealthy donors shouldn't dominate the political conversation in this country.

Reversing Citizens United isn't the only thing necessary to restore fairness to our political process; we should also pass Senator WHITEHOUSE's DISCLOSE Act, which I am proud to cosponsor. This legislation requires super PACs and big political spenders to disclose to the public exactly where their donations are going. No constitutional amendment is required for this key measure. In 2010, the DISCLOSE Act came up just one vote short in the Senate, and I urge the Senate to immediately take it up again so we can finally pass this important bill.

We also should replace the Federal Elections Commission, which is mired in political squabbling and hindered with weak enforcement authority. The FEC should be replaced with a new campaign finance agency that has a strong mandate to enforce the law, with new rules to ensure that one political party can't shut down the agency simply for political gain.

I also believe that we should enact a small donor matching funds program. Many Americans who aren't wealthy want to support a candidate they believe in, but they simply can't afford to write a check for thousands of dollars like the big donors do. A matching funds program will help amplify the donations of these smaller donors and working families and would be a key step toward leveling the playing field for working families who want to support a candidate.

Finally, we should improve voter registration. Increasingly, some have sought to disenfranchise others—especially voters of color—by making it harder to register to vote, harder to get a ballot, or simply through voter intimidation. It is time that we restore the Voting Rights Act and crack down on discriminatory voting rules that block access to the polls. This includes fixing the terrible recent Supreme Court decision allowing States to kick voters off the rolls if they don't vote regularly, even without offering same-day voter registration for those voters to easily rejoin the rolls if they do wish to vote again.

I believe that all Americans should be represented here in the U.S. Senate, not just the wealthy few. Our democracy is built on the principle that the American people have the power in our elections, so I am going to keep fighting to reform our campaign finance rules.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2842 TO AMENDMENT NO. 2366

Mr. REED. Mr. President, I call up amendment No. 2842 to the Lee amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2842 to amendment No. 2366.

Mr. REED. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the authorization of appropriation of amounts for the development of new or modified nuclear weapons)

In lieu of the matter proposed to be inserted, insert the following:

(c) AUTHORIZATION BY CONGRESS.—Section 4209(a)(1) of the Atomic Energy Defense Act (50 U.S.C. 2529(a)(1)) is amended—

(1) by striking ''the Secretary shall'' and inserting the following: ''the Secretary—

''(A) shall''; and

(2) by striking the period at the end and inserting ''; and''; and

''(B) may carry out such activities only if amounts are authorized to be appropriated for such activities by an Act of Congress consistent with section 660 of the Department of Energy Organization Act (42 U.S.C. 7270).''.

Mr. REED. Mr. President, this amendment is a technical correction to the previous amendment I offered, and I ask that it be accepted for consideration.

The PRESIDING OFFICER. The amendment is pending.

Mr. REED. Mr. President, I believe the amendment is pending.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, a crash takes place in a system when conditions in that system reach a tipping point and the system rapidly destabilizes.

Climate change promises a lot of tipping points in the Earth's natural systems—ocean acidification, for instance, reaching a tipping point where foundational species, such as the pteropod, have trouble forming their shells, and populations of those foundation species crash, taking down the trophic levels above them; polar warming, for instance, releasing trapped frozen methane from Arctic tundra and hyperaccelerating the greenhouse effect. At the more local level, seasonally linked species, reacting to changing seasons, can get out of phase with one another, so the feeder and its food source no longer overlap in time, and then they have a crash.

In what Pope Francis has called ''the mysterious network of relations between things,'' climate change promises natural disruptions, large and small.

Of course, the same kind of disruption can occur in economics. Because we are ignoring climate change, we are hurtling toward natural disruptions like the kinds I mentioned. On top of that, recent warnings indicate that we are also hurtling toward economic disruptions—crashes, if you will—which we could avoid or moderate if we prepared. But since the fossil fuel overlords of the present Congress won't let that preparation happen, we need to

expect these economic crashes. What are these economic crashes? The first one I will discuss is the effect of sea level rise on coastal real estate values.

Sea level rise can hit you economically long before the ocean actually laps against your doorstep. When the prospect of coastal flooding begins to creep into the 30-year mortgage horizon or when the prospect of coastal flooding begins to darken property insurance horizons, there will be an effect.

Long before your house is actually flooded, its value can crash if the house becomes uninsurable or if it becomes unmortgageable to the next buyer. Freddie Mac has described the effect of this property value crash on America's coastal regions as follows: ''The economic losses and social disruption may happen gradually, but they are likely to be greater in total than those experienced in the housing crisis and Great Recession.'' Those of us who lived through the great recession of 2008 and forward know how serious that warning is.

It is not just Freddie Mac; the insurance industry shares this exact concern. Here is what the editor of the trade publication Risk & Insurance had to say: ''Continually rising seas will damage coastal residential and commercial property values to the point that property owners will flee those markets in droves, thus precipitating a mortgage value collapse that could equal or exceed the mortgage crisis that rocked the global economy in 2008.'' So from government-backed housing corporations to private insurance industry representatives, the warning is clear.

The leading edge of this predicted effect may already actually be upon us, as we have recently seen coastal property values begin to lag inland property values in a way that experts think may reflect this emerging coastal economic hazard. When talking about matching the damage done to the economy by the 2008 recession, that is a serious risk.

The second economic crash we are warned of is the effect of a so-called carbon bubble—a carbon bubble in fossil fuel companies. This carbon bubble collapse happens when fossil fuel reserves now claimed as assets by the fossil fuel companies turn out to be not actually developable and thus become what are called stranded assets. A recent publication by economists in the journal Nature Climate Change has described the following estimated asset reductions in fossil fuel reserves: ''The magnitude of . . . stranded assets of fossil fuel companies (in a 2 degrees C economy) has been estimated to be around 82% of global coal reserves, 49% of global gas reserves, and 33% of global oil reserves.''

That would be 82 percent of global coal reserves gone, wiped off the balance sheets; 49 percent of global gas reserves gone; and 33 percent of global oil reserves gone.

This asset collapse ahead would explain why fossil fuel companies have fought so hard against shareholders who sought honest reporting of this risk, and it could explain why such reports as have been produced look like exercises in ''cooking the books'' to avoid actually acknowledging a risk of this scale.

More recently, a group of economic analysts published a separate review of what the bursting of this carbon bubble would look like for fossil fuel companies. The report's analysis is pretty stark. It estimates that a potential $12 trillion—$12 trillion—of financial value ''could vanish off their balance sheets globally in the form of stranded assets.'' The report notes that this is over 15 percent of global GDP.

This economic report posits a market scenario in which lower cost producers unload their fossil fuel reserves while they still can into this collapsing market—''selling out'' their assets, in the language of the report—unloading their fossil fuel assets even at fire-sale prices to get what value they can while they still can.

In this analysis, the report says, ''regions with higher marginal costs . . . lose almost their entire oil and gas industry (for example . . . the United States).''

In this environment in which there is a rapid crash in fossil fuel prices, as sellers saturate the market at whatever low price they can get to get some money for their reserves before they evaporate and get wiped off their balance sheets, the market moves rapidly and regions like ours—like the United States, with higher marginal costs—lose almost their entire oil and gas industry.

Obviously, for the United States to rapidly lose almost its entire oil and gas industry would create a dramatic economic shock, spilling over into other industries and into the economy at large, making this what the authors of this report call a ''systemic'' economic risk.

There is a recommended solution to avoid this shock in asset prices, and that is for the United States to begin decarbonizing, to invest more in renewables, and to broaden our national energy portfolio away from this asset collapse risk and into renewable energy. The paper concludes that ''an exposed country can mitigate the impact of stranding by divesting from fossil fuels as an insurance policy,'' and it goes on to say specifically about the United States of America that ''the United States is worse off if it continues to promote fossil fuel production and consumption than if it moves away from them.''

Let me revert to the earlier economic piece I mentioned because it concludes with very similar advice. I quote from the first article:

> If climate policies are implemented early on and in a stable and credible framework, market participants are able to smoothly anticipate the effects. In this case there would not be any large shock in asset prices and there would be no systemic risk. In contrast, in a scenario in which the implementation of climate policy is uncertain, delayed, and sudden . . . this might entail a systemic risk because price adjustments are abrupt and portfolio losses from the fossil-fuel sector and fossil-based utilities do not have time to be compensated by the increase in value of renewable-based utilities.

Both economic analyses agree that transitioning to renewables is a hedge against this fossil fuel asset collapse risk, but this earlier paper also notes something else. It also notes that this transition to renewables, away from the asset collapse risk, need not be a painful transition. To quote the report, ''a transition to a low-carbon economy could also have net positive aggregate effects.'' On one side, you have the risk of a major fossil fuel asset collapse creating a sufficient economic shock for there to be systemic risk to the economy. On the other side, you have the prospect of net positive aggregate effects. Who in their right mind would not turn toward net positive aggregate effects? A large and sudden economic shock affecting 15 percent of global GDP and precipitating systemic economic risks will, of course, be very painful.

This is stark advice. Whether we can actually heed this advice depends on the Congress of the United States being able to put the interests of the United States first over the interests of the fossil fuel industry. Given that Congress's fossil fuel industry overlords will likely object and given that we seem incapable in Congress of either seeing through their massive conflict of interest or ever telling them no, it is not presently likely that Congress will heed these warnings or take these precautions.

After all, the warnings of natural crashes ahead have so far been completely ignored due to fossil fuel industry pressure. So why expect that we would heed the warnings of economic crashes ahead?

In the days when war loomed over Europe but England would not prepare, Winston Churchill quoted a poem. The poem's image is of a train bound for destruction, rushing through the night, and the conductor is asleep at the controls. The poem begins:

> Who is in charge of the clattering train?
> The axles creak, and the couplings strain.

Inside the train cars, the poem describes the occupants of the doomed train:

> Lull[ed into] confident drowsiness.

But then comes the end:

> [T]he pace is hot, and the points are near,
> And Sleep hath deadened the driver's ear;
> And signals flash through the night in vain.
> Death is in charge of the clattering train!

That is how the poem ends. Let us hope that we wake up before our collision, that the many warning signals nature is flashing at us do not flash through the night in vain, and that we do not hurtle into these foreseen collisions with our fossil fuel industry overlords having deadened the driver's ear with their money and their power.

We have been lulled into confident drowsiness, and it is time to wake up.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUBIO). Without objection, it is so ordered.

AMENDMENT NO. 2366

Mr. LEE. Mr. President, I ask unanimous consent that there be 1 hour of debate on my amendment, No. 2366, equally divided between the opponents and proponents, and that following the use or yielding back of that time, the Senate vote on the amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, reserving the right to object, Senator LEE is a very good friend, and he is very sincere. I will object, and I want to let the body know that I think the best way to handle this issue is, if American citizens are suspected of collaborating with the enemy—ISIS or al-Qaida—we have the due process in place to strip them of their citizenship. That way, you don't have the problem of reading them their Miranda rights. You can hold them, without question, as enemy combatants.

I will end with this. There is a court case right on point, that of Mr. Padilla's, who was an American citizen who was held as an enemy combatant. The court says that it doesn't matter the location of capture, he can be captured in the United States and still be held as an enemy combatant.

So I object, but I really want to work with Senator LEE to see if we can find a compromise down the road.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate my colleague's opinions, the Senator from South Carolina. I would like to respond for a moment and speak for a few minutes about a bipartisan compromise that I have introduced, along with the senior Senator from California, Mrs. FEINSTEIN.

The legislation I am referring to is called the Due Process Guarantee Act, which Senator FEINSTEIN and I have introduced. It has also been offered up as an amendment to the legislation now before this body, to the National Defense Authorization Act.

Alexander Hamilton, in his writing of Federalist No. 84, called arbitrary imprisonment one of the ''favorite and most formidable instruments'' of tyrants and with good reason. The Constitution includes safeguards against this form of tyranny, including the writ of habeas corpus and the guarantee that American citizens will not be ''deprived of life, liberty, or property'' by the government ''without due process of law.'' If you are going to take away people's life or liberty or property, you have to give them due process. You can't do it without that. That is by mandate of the Constitution. It is made applicable to the Federal Government through the Fifth Amendment, and it is made applicable to the States through the 14th Amendment.

Our commitment to these rights has, of course, been tested in times of crisis. This is what happens to our rights when crises erupt. Sadly, tragically, I would add, we as Americans have not always passed these tests. We have not always emerged unscathed from the temptation to dip into the well of deprivation of due process in times of crisis.

During the Second World War, for example, President Franklin Roosevelt unilaterally authorized the internment of over 100,000 Japanese Americans for fear that they would spy against the United States—100,000 Americans just based on the fear that they might spy against the United States. To be sure, the government did not—neither President Roosevelt nor anyone in his administration—present any kind of evidence that these Americans—the 100,000 Americans who were imprisoned at that time—posed any kind of threat to our country. There was not one piece of evidence—not one shred, not one scintilla—presented to that effect. In fact, most of these Americans were themselves native-born citizens. They were eligible, in that respect, to run for President of the United States. Many had never visited Japan in their entire lives. Many didn't speak the language spoken in Japan.

That episode in our Nation's history was tragic, and it remains a blight on our record to this very day. It is also an example that is, sadly, personal to the State I represent. You see, the U.S. Government unjustly detained thousands of Japanese Americans in Utah at the Topaz War Relocation Center. Japanese-American internment is, perhaps, the most dramatic and shameful instance of this kind of detention in our Nation's history. Unfortunately, it is not the only instance.

In 1950, in a climate of intense fear about Communist infiltration of the government, Congress enacted the McCarran Internal Security Act and did so over President Harry Truman's veto. That law contained an emergency provision that allowed the President of the United States to detain any person he thought might spy on the United States.

Think for a minute about what that means—that one person was then vested with this authority to delve most deeply into someone's due process rights without providing him with any due process at all. That is scary. That is the very kind of thing that the Constitution was designed to protect against. There is the due process clause, certainly, but the whole point of having a Constitution in the first place is to protect the people from the dangers that are inevitably presented by the excessive accumulation of power in the hands of the few.

Then more recently, in the post-9/11 era, there has been, of course, some renewed pressure to diminish our constitutional protections—our liberty—in the name of security. Lawmakers from both parties have authorized the detention of Americans who have been suspected of terrorism—their detention indefinitely without charge, without trial, and without meeting the evidentiary standard that is required for every other crime—potentially, for the rest of their lives.

You see, this happened just a few years ago in this very Chamber. If I had not been here at the time, I might have accused whoever was describing this of engaging in some sort of paranoid fantasy, in some sort of odd hyperbole, for the purpose of making a point. No. This actually happened in the National Defense Authorization Act that President Obama signed into law for fiscal year 2012. Congress authorized the indefinite military detention of suspected terrorists, including of American citizens, who are apprehended on U.S. soil.

These episodes—the Japanese-American internment, the McCarran Internal Security Act, and the 2012 NDAA—are significant. They are teachable moments, if you will. In all three cases, the United States faced real threats from formidable foes—foes that were hostile to our very core values as a nation, foes that were not comfortable with the idea that we as Americans share in common—the belief in the fundamental, inherent dignity of the human soul. Instead of defying our foes by holding fast to those core values, we jettisoned them in a panic. Fear and secrecy won out. The Constitution lost. Liberty lost.

Thankfully, that is not the whole story. There have also been times when Americans have stood up to the Constitution even in the face of threats, especially in the face of threats, thus, sending a really strong message to the totalitarian forces arrayed against us. For instance, in 1971, Congress passed the Non-Detention Act, stating, ''No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.''

Congress can make another stand for the Constitution by allowing a vote on this amendment, by allowing a vote on the Due Process Guarantee Act amendment to the NDAA.

What, you might ask, is the Due Process Guarantee Act?

In short, this bill presented as an amendment would raise the bar that the government has to clear in order to claim and assert the right to detain indefinitely American citizens and lawful permanent residents who are apprehended on U.S. soil. It would forbid the

government from justifying such detentions by using general authorizations of military force, such as the 2001 AUMF against the 9/11 plotters.

Why, you might ask, would this even be necessary? Why would we even need to consider doing this?

That is a very good question. It is a question that should be directed toward those who inserted this language into the 2012 NDAA.

Under this legislation, under this amendment as it has been proposed, the government would have to obtain the explicit written authorization—statutory authorization—of Congress, which is the branch of government most accountable to the people at the most regular intervals, before approving the detention of Americans—without charge, that is—if they are captured in the United States.

This isn't too much to ask. Some would say this is far too little to ask. It is something that is required both by the letter and by the spirit of our Constitution, by the very concept of liberty, and by the very concept alluded to earlier that each human soul has inherent dignity that needs to be respected by our government. So the Due Process Guarantee Act is based on a very simple premise: If the government wants to take the extraordinary step of apprehending Americans on U.S. soil without charge or trial, it should get extraordinary permission from Congress.

Now, to be very clear, if my colleagues want to grant the government this power, that power over their own constituents, their own voters, the very people who elected them into office, then by all means let's have that debate and let's have that discussion. If they want to do that, let them authorize it themselves. I hope I never see the day that happens, but I hope we all agree that Congress should have to agree before any such step is taken. Members of Congress should not simply hide behind vague, broad authorizations so the voting public will not or can't know what they are doing.

I am offering this amendment because of my faith in our law enforcement officers and our judges who have successfully apprehended and prosecuted and overseen the prosecutions of hundreds of homegrown terrorists. Their example proves that our security is not dependent upon a supercharged government and a correspondingly weakened Constitution. We can secure the homeland without using the formidable instruments of tyrants. Not only can we, but we must. This, after all, is our constitutional imperative.

Each one of us, upon taking office, was required to take an oath to uphold and defend this document, the U.S. Constitution. I hope, I think, I expect, and in fact I am quite confident that the overwhelming majority of our constituents and voters in every State in this country, regardless of where they fit on the political continuum, where they identify themselves on the political spectrum, agree it is not too much to ask that if the government is going to arrest someone and detain them, putting them into a position of incarceration indefinitely without charge, without trial, is extraordinary. That kind of extraordinary remedy perhaps ought never be approached, but, certainly, if it is going to happen at all, it ought not ever happen without the explicit statutory authorization from Congress.

All of this relates back to section 1021 of the 2012 National Defense Authorization Act, which purports to authorize the government to just indefinitely detain without trial American citizens and lawful permanent residents—both of whom would be protected by my amendment—who are captured in the United States.

Look, it is easy to look at this and to separate yourself from this if you think this measure could apply only to bad people—maybe only to bad people who don't look like people we ordinarily associate with. Perhaps they don't look like they came from our neighborhood. Perhaps they don't look like the kinds of people who ought to have protection, but this is the very folly we should always seek to avoid. Either due process is a thing or it is not. Either due process is a constitutional imperative that we should be very reluctant to depart from ever or it is not. Section 1021 of the 2012 NDAA represented a departure from that.

Think of it this way. Your rights as an American citizen to be charged in a certain way, to have access to a speedy trial, to have access to counsel, your right to a whole host of constitutional protections generally does not, and ought not ever be, something that should be dependent upon how you are charged. If all the government has to do is alter the way in which you were charged to allege that you have been involved in some type of offense that can be characterized as terrorist activity or the aiding and abetting of those who planned the 9/11 attack, if that is all that has to happen, then you are entrusting an enormous amount of discretionary power to government, to a very small handful of decisionmakers who themselves can deprive you of everything that is dear to you—deprive you of those you love, of the place you call home, and subject you to indefinite incarceration, indefinite detention, without access to trial, without access to the ability to confront your accusers in front of a jury of your peers.

This is a problem. It is a problem that would sound extreme if it weren't true because it is, in fact, extreme.

We have gone now, for the last 6 or 7 years after this was passed into law, without it getting a whole lot of attention. I think this is unfortunate because this ought to be concerning to every single American. If you exist on U.S. soil lawfully or if you are a citizen or lawful permanent resident, this should concern you. Even if you are not, even if you reside outside the United States or are here temporarily—perhaps on a temporary visa of some sort—this should worry you. If you believe in the American dream, if you believe in the fundamental dignity of the human soul, this should bother you. The extent to which you are bothered by this should grow even more severe by virtue of the fact that we have this discussion this afternoon in our Nation's Capitol, within the halls of what purports to be the world's greatest deliberative legislative body, not in the context of being on the precipice of casting a vote on this—no. We are having this discussion of a simple request to vote up or down, yes or no, yea or nay, on whether we should require Congress to state explicitly when it is going to invoke this kind of extraordinary remedy. It defies reason, it defies logic, it defies the rules, the customs, and traditions of this great legislative body for us to refuse to cast a vote on this.

By the way, about 5 years ago, a nearly identical version of the same amendment passed through this body with 67 votes. Not only is that more than a majority, but it is also more than the standard required to close debate, and it is also a standard that is consistent with what is required to overcome a Presidential veto. Yet somehow that measure didn't make it into the final product. Somehow it didn't survive the process of negotiation between the House and Senate. It didn't survive the final bill as produced by the conference committee. So 5 years go by, and we have been trying to get a vote on it ever since then. We have been unsuccessful in doing so.

We are not asking for every Member to agree right now to support this. What we are asking for is for them to weigh in and allow us to cast a vote on this. You see, we have this quaint idea in this country that being governed requires a certain amount of consent from those being governed; that when the government does something, especially something that could so deeply impact the lives of individual Americans, it ought to be done with the consent of the governed through their elected Senators and Representatives.

We have two people here from every State in the Union. I could say, with a high degree of confidence, that if you polled not just the American people at large, not just people within every State, but I would add to that people within every demographic, people within every political party, at least every political party that I know anything about, people, regardless of race, sex, national origin, religious affiliation, belief, or unbelief—I would bet an overwhelming majority of people in every single category in every State of the Union would say this is really troubling.

The fact that you would have a government that would be so bold in the first instance as to claim the right,

which it did in the 2012 National Defense Authorization Act, to detain indefinitely citizens of this country apprehended on U.S. soil without charge, without trial, without access to counsel—and after having done that a few years ago, this same body would refuse even to allow a vote on whether future votes should be cast on whether this is appropriate.

The Senate, I am told, used to be a place—in fact, the history books made clear it was, in fact, a place where extended debate and discussion could be heard because we as a people tend to believe more debate is preferable to less, more input is preferable to less input, and that whenever government makes a decision, especially a profound decision like the one we are talking about, that the people's elected representatives ought to have some say in it.

It is an act of cowardice that we as a body would refuse to have votes on something like this. So I say to my colleagues who object to us even being able to cast a vote on this, what are you afraid of? What is it that you fear so much about the American people that you are unwilling to have a provision like this explored, examined, and get voted on by the U.S. Senate? This doesn't have to take a long time. We could easily have done it today. We could have done it in a matter of hours, perhaps a matter of minutes. Is that really too much of a sacrifice to ask for a few hours or a few minutes of our precious time to vote on whether the U.S. Government should have the power to indefinitely detain without charge, without trial, without counsel American citizens on U.S. soil? I think not.

I inform my colleagues, with all the energy I am capable of communicating, to please reconsider. Look in the mirror. Examine your conscience. You decide whether you want to stand accountable to God and the American people one day if and when this power is abused.

One thing we know about power is that when excessively accumulated in the hands of a few, bad things happen. Human beings are flawed. They are redeemable, but they are also flawed. That is why we have a Constitution. That is why we are here. We are here to cast votes and to stand accountable to the American people. I urge my colleagues to allow a vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

TRADE

Mr. PERDUE. Mr. President, one of the great honors in this body is to bring a contrasting point of view to the topic of the day. I hope to do that today.

Many colleagues in this body have voiced concerns on both sides of the aisle, frankly, about President Trump—what President Trump is doing to try to create a more level playing field for our workers and businesses. They are nervous about his negotiating style, about things he says, what he is trying to do with our allies, our adversaries, and all around the world. People in this body worry sometimes it is going to create a trade war.

Colleagues, I have worked in the trade environment internationally most of my career. I have sourced products all over the world. I shipped products all over the world. I can tell you, for a fact, that for the last 40 years we have been in a trade war.

In that time, America has helped develop the Third World and reduce poverty largely because of an imbalanced trade agreement that we made with pretty much each country around the world, and we did that intentionally, not by accident. It was out of our good will that we set up trade deals that granted access to our markets while denying access to other markets around the world.

Why did we do that? When China was a $1 trillion economy, that made sense. We wanted to help them develop economically. Now that they are a $12 trillion economy, it no longer makes sense. When Japan was rebuilding after World War II, of course we wanted to help them rebuild. We spent billions of dollars behind the Marshall Plan to do just that with Japan and all of East Asia. We set up trade deals that we knew would help their economy grow, and that made sense then.

It no longer makes sense to have an unlevel playing field with the rest of the world just so they can develop. Let me give you a reason why. One of the reasons is, because of the American consumer and taxpayer, global poverty over the last 50 years has been reduced dramatically; by some estimates, over 60 percent. Let me say that again. Global poverty, because of the American taxpayer and the American worker, has been reduced over 60 percent. Unfortunately, during that same period of time, American poverty since 1965, when the Great Society was signed into law and when the great War on Poverty was initiated, we spent $67 trillion trying to eradicate poverty in America.

Unfortunately, today we know poverty is basically the same as it was in 1965. So this imbalance we have lived with for the last half decade that partially helped the development of the Third World, pulling hundreds of millions of people out of poverty, begins to not make sense when it damages our well-being here at home.

Like me, President Trump is an outsider to this political process. He is just a business guy who spent his career successfully negotiating deals all over the world. For years, he has seen how America has often been treated unfairly when it comes to trade. He has also seen how previous administrations repeatedly failed to contain the growing threat of rogue regimes with nuclear ambitions, like North Korea and Iran.

Since taking office, President Trump has put America back in a position of power and strength when it comes to our standing with the rest of the world. This comes after a decade where America withdrew. We had redlines drawn. We had a Russia reset. The world was questioning what our position was. Were we going to be the leader of the free world? Were we going to stand up for individual sovereignty, for individual liberty, self-determination? I think he has made that very clear and that we have turned a corner.

President Trump has, no doubt, an unconventional negotiating style—an outsider style, if you will. Do you know what? As we have seen in his Presidential career just in the last 15 months—NATO, South Korea, and just last night, a historic summit in North Korea—President Trump's methodology, indeed, works.

Remember when he was running for office? He said: Well, if NATO doesn't increase their military spending, we just might back out. Everybody panicked: Oh my goodness, it will upset the balance with our allies over there. This is not the time to be doing that.

Guess what. NATO stepped up. I just met with a major ambassador from one of the countries in that region, and I am delighted to tell my colleagues tonight that we all know, basically, NATO is doubling the amount of money they are spending for their own national security, which is exactly what the President wanted.

President Trump is working to fix problems that others would not address. He is moving with a sense of urgency to deliver those results. I am tired of Members of this body trying to undercut him at every turn, especially in the middle of the negotiation process.

One of the things you learn when you deal internationally is that you have to have the respect of the person you are negotiating with across the table. President Trump has earned that. What we are beginning to do in this body is undercut that. I understand the article II, article I debate. I get that. But we are in the middle of processes now that are so critical. You cannot deal with trade in a one-dimensional fashion. It is part of the bigger geopolitical complex calculus that President Trump is trying to negotiate. We need a unified voice, there is no doubt. Right now, this body is sending mixed signals. It is time to put aside political self-interests and focus on what is best for the United States of America. As a business guy, I would think this is something my colleagues—especially those who come from the business community—would understand. That is what we have to do all the time in the real world.

Last year, President Trump said that job 1 was to grow the economy. As a body, we all focused on regulations, energy, and taxes. As a result, the economy has begun to turn a corner.

Just this year, we passed a moderate bill that modifies Dodd-Frank and frees up onerous regulations on small and

community banks and regional banks—freeing up some $6 trillion all in between regulations and taxes and the work in Dodd-Frank. That $6 trillion is potentially coming back into the economy. That affects people who work for a living, not just the people who own the businesses.

Today, small business optimism hit a 30-year high. Some 31½ million jobs have been created, and 870 regulations have been reversed. Over 1,500 people in the Veterans' Administration have been let go because they were not concerned and did not perform their jobs properly.

This year, it is all about continuing to grow the economy by focusing on immigration, infrastructure, and trade. Trade is a very complex matrix of countries and industries; it is not just a very simple thing of back-and-forth. I understand that the President is trying to do it in a bilateral way. I personally would prefer the TPP approach. But that is just two individuals. We are committed to this bilateral path, and I fully support that now. Of course, how we deal with each one should be thoughtful and strategic, and we need to be in a hurry to get that done. We need a holistic approach to trade, not the ad hoc approach we have seen in the past.

Do you know what. If you want meaningful results in trade, you have to have the courage to have serious, tough conversations with other countries, regardless of how many headaches it may cause for some folks here in Washington. That includes some of our allies, by the way.

The imbalance we have in trade is not just with China; it is with pretty much every one of our allies. The solutions are not controversial. They can be dealt with the right way.

When it comes to trade, including trade with some of our closest allies, America isn't being treated fairly. We covered that already. We have been in this position for some time. It is really by our own making. We did this intentionally.

President Trump is working to begin to fix this by negotiating better trade deals for American businesses, products, and workers. Make no mistake—the beneficiaries of these trade negotiations are American consumers and American workers. Trump is doing this from a position of strength, I believe. He is leveraging that strength to get a better deal. It is not about pending alliances; it is about telling other countries: We aren't going to stand for anything less than a level playing field. I think that is only fair when we are dealing with our allies or our adversaries.

President Trump has the attention of the world and momentum to pull off better trade deals, so why are Members of this body trying to confuse and complicate the process by undermining the President's efforts?

Furthermore, we cannot discuss trade in a vacuum. The credibility of the negotiator is all-important when dealing with certain parts of the world. We need to take that into consideration when we are considering things that we have been debating here in the last 24 hours on this floor. We need to talk about trade from an economic and national security standpoint. It is, in fact, a full-blown, complex geopolitical issue.

To that point, we should all share the priority of denuclearization in the Korean Peninsula. President Trump is also working from a position of strength on that topic. This President and his team have the momentum to denuclearize the Korean Peninsula. Imagine what progress would be achieved compared to just 6 months ago when the worst was being contemplated.

Just as President Trump has brought China to the trade table, he has secured their cooperation on North Korea. I can tell you personally, having just visited there recently, we would not be in these negotiations with North Korea without the help of President Xi Jinping and the Chinese people. President Trump's leadership on this maximum-pressure campaign led to China's cooperation on tough sanctions, which helped bring North Korea to the table in the first place.

The President made a personal commitment to another foreign leader about how to deal with ZTE. He should be able to follow through on his word. This agreement may be tied to other elements of this administration's national security agenda that we don't know about in full detail, and we need to give them the benefit of the doubt and stop undercutting the negotiating power of our Commander in Chief.

This ZTE amendment, which has been thrown into the NDAA at the last minute and before the Commerce Department made its full ruling, could threaten China's cooperation in dealing with North Korea. It is remarkably shortsighted for politicians in this body to complicate the situation with the ZTE amendment, in my opinion. I believe it will undercut our ability to negotiate, and I think it jeopardizes our negotiator's credibility.

Of course, Congress has an important role to play on all free trade agreements and certainly treaties. The advice-and-consent principle that is built into our format is absolutely critical. I am not trying to undermine that in the least. However, we should not be trying to undercut our chief negotiator in the middle of a negotiating process.

I personally have survived some of those in my career. I understand that the credibility of the person doing the negotiating is absolutely critical. However, in our situation, in dealing with any foreign leader, the full breadth of the responsibility of the legislative branch has to be explained up front. I am fully supportive of that.

To those who say this President is picking winners and losers, going back to the ZTE issue, let me say that the only winner President Trump is trying to pick today is America. I think it is refreshing that we have somebody finally standing up and fighting for us for a change, after decades of making sure that the Third World was developed.

This is about making sure that America is treated fairly and that it is the best place to do business in the world. It is about making America more competitive and secure. It is about making sure that the people who take showers after work and not before work get treated fairly in dealing with the rest of the world. This is about making America more competitive. It is about making America more secure. It is about ensuring our economic and national security for the next 100 years.

This body should put aside self-interest and focus on the national interest and give this President the room he needs to negotiate on everything from better trade to denuclearization in the Korean Peninsula. Stop the hysteria, in my opinion. This is about a much bigger picture. In the much bigger picture, we talk about the rise of China and the impact on the world.

Let me highlight a couple of things from this past weekend. President Trump issued a statement that offered an olive branch to Russia on the G7. He felt he would support their reentering the G7. What did Putin say? He said: Well, no, thank you. I am more interested in other things, like the SCO.

Most people in this body aren't familiar with the SCO. It is the Shanghai Cooperation Organisation. It is basically China, Russia, Uzbekistan, and a few countries in that area. But India and Pakistan just attended their first meeting. I think this is an extremely dangerous development for the future of self-determining people.

I think it is time for this body to get behind a unified approach with regard to what we are trying to do with trade and North Korea and tell the rest of the world: We want to be the strongest ally you have ever seen, just like we have been for the last 200 years. It is time, as the President said in Davos, to take care of our business so we can help you take care of your business.

Thank you, Mr. President.

I yield my time.

Mr. MENENDEZ. Mr. President, at the G–7 Summit in Charlevoix, Canada, on June 9, 2018, President Trump stated the following in regard to the Russian Federation rejoining this group of the world's seven most industrialized and powerful nations: ''It would be an asset to have Russia back in. I think it would be good for the world. I think it would be good for Russia. I think it would be good for the United States. I think it would be good for all of the countries of the current G–7. I think the G8 would be better.''

Such a statement, even for this President, is stunning.

On March 24, 2014, the current group of G–7 states suspended the Russian

Federation, in response to its illegal invasion and occupation of the Ukrainian territory of Crimea. Since then, the Government of the Russian Federation continues to illegally occupy Crimea and has utterly failed to fulfill its obligations under the Minsk Agreements to end its violent aggression in eastern Ukraine. Russia has failed to respect a full ceasefire; it has failed to pull back its heavy weaponry; it has failed to permit the monitoring and verification of a ceasefire regime; and it has failed to ensure access for humanitarian aid to conflict-affected individuals.

The story does not stop with Ukraine. Since 2014, the Government of the Russian Federation has greatly expanded its aggression around the world, including against the United States with the attack on our 2016 election. The Kremlin continues to interfere in elections, wage cyber attacks, engage in corruption and political meddling, and spread lies and disinformation—all with the goal to divide societies, undermine the rules-based international order, and break up longstanding transatlantic alliances. Our intelligence community has repeatedly asserted that the Kremlin will likely target our elections again this fall. The very ideal of democracy as a system of government is under constant assault from a Kremlin bent on destroying the international rules-based order.

Upon considering these facts, no observer could seriously think Russia deserves to be welcomed back into the G–7 club. Any such suggestion is ludicrous and must be dismissed out of hand.

The United States is a country long governed by the rule of law, where breaking the rules has consequences. More broadly, the United States has helped to create the rules-based order in the international community that has undoubtedly served the interests of the American people and benefited the world since the end of WWII by fostering peace and prosperity. The United States is bound with other G–7 nations not just because of the size of our economies, but because of our shared values and common cause to foster societies in which our citizens can live freely, peacefully, and prosperously. Inviting the current Government of the Russian Federation to rejoin the circle of G–7 world leaders when President Vladimir Putin's regime poses an ongoing threat to our freedom, peace, and prosperity serves his interests, not ours.

President Trump's suggestion to readmit Russia to the G–7 and his subsequent disavowal of the joint communique which the United States and other G–7 nations successfully negotiated in Charlevoix defy logic. More outrageously, they reflect his propensity to praise autocrats while attacking our allies and the democratic values and rules-based system they defend. Does it put America first to side with autocrats? This President seems to think so.

I have submitted an amendment to the defense authorization bill calling on President Trump to retract his comments on readmitting Russia to the G–7. Absent any change in the Kremlin's efforts to undermine the rules-based international order or its illegal occupation of Crimea, the G–7 should not even consider welcoming the Russian Federation back into its fold, let alone with open arms. This amendment sends a necessary and strong message that the United States stands by our friends and the international rules-based order that benefits American workers and American national security. I am committed to working with my Senate colleagues on both sides of the aisle to shore up our closest alliances and to hold the Russian government accountable for its aggression in Ukraine, the United States, and beyond. I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for as long as I may require.

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

CONGRATULATING MITCH MCCONNELL AS THE LONGEST SERVING SENATE REPUBLICAN LEADER

Mr. ALEXANDER. Mr. President, the Senate majority leader, Senator MITCH MCCONNELL of Kentucky, will become the longest serving Senate Republican leader in history, surpassing former Senator Bob Dole of Kansas. This is according to the Senate historical office. Today is Senator MCCONNELL's 4,179th day as Senate Republican leader—a position he assumed on January 3, 2007, after Republicans lost control of both Chambers of Congress.

I would like to take a few minutes to put Senator MCCONNELL's leadership in perspective. That perspective begins in the year 1969. I was 29 years old and working in the Nixon White House. Senator Howard Baker, Jr., of Tennessee, said to me: ''You might want to get to know that smart, young legislative assistant for Marlow Cook.'' Marlow Cook was Kentucky's newly elected Republican Senator. That smart, young legislative assistant was 27-year-old MITCH MCCONNELL.

If one has known him for a long time, the evolution of MITCH MCCONNELL's Senate leadership isn't hard to trace. To begin with, when he was 2 years old, the doctor said: ''Mitch has polio.'' It is hard to imagine today how terrifying those words were for parents then. McConnell remembers:

It was 1944. There was a serious epidemic that year all over the country. And the disease was very unpredictable. First, you'd think you had the flu, and a couple of weeks later, some people would be completely normal and some of them would be in an iron lung or dead.

He continued:

In my case, it affected my left quadriceps, the muscle between the knee and your thigh. And in one of the great good fortunes of my life, my mother was living with her sister in this little crossroads of Five Points, Alabama, where there was not even a stoplight—while my dad was overseas fighting the Germans—and it happened to be 60 miles from Warm Springs, where President Roosevelt had gone [to treat his own polio]. My mother took me to Warm Springs. They taught her a physical therapy regimen, and said to do it four times a day and to keep me off my feet. She watched me every minute and prevented me from really walking.

My first memory in life is when they told my mother I was going to be okay, that I'd be able to walk without a limp, and we stopped at a shoe store in LaGrange, Georgia, on the way back to Alabama to get a pair of low top shoes, which were a kind of symbol I was going to have a normal childhood.

If one knows about the determination of MITCH MCCONNELL's mother, it is not hard to imagine how her son determined as a college student to be a U.S. Senator, and did; determined to be his party's Senate leader, and did; and then determined to hold that leadership position longer than anyone in U.S. history, and has. This was an arduous, two-decade leadership journey: chairman of the National Republican Senatorial Committee, counselor to Majority Leader Trent Lott, majority whip, minority leader, and finally, majority leader.

As for his mother's example, this is what MITCH MCCONNELL said: ''It sure had to have an effect on me, which was that if you stick to something, you keep working at it and giving it your best, the chances are you may actually overcome whatever problem you're currently confronting.''

A second leadership quality that MITCH MCCONNELL learned early—in a fistfight—was to not be pushed around. According to MCCONNELL, ''I was about 7. We lived in Athens, Alabama, and I had a friend across the street named Dicky McGrew who was a year older than I was and considerably bigger. He was also a bully and he kept kind of pushing me around. And my dad called me over and said, 'Son, I've been watching the way he's been pushing you around and I want you to go over there and I want you beat him up.' ''

So, MCCONNELL says, ''I went across the street and started swinging and I beat him up and bent his glasses, and it was an incredible lesson in standing up to bullies and I've thought about that throughout my life at critical moments when people are trying to push you around.''

As a junior Senator on the Foreign Relations Committee, MITCH MCCONNELL surprised colleagues when he sponsored sanctions against the apartheid regime in South Africa, and then

in 1986, he voted to override President Reagan's veto of those sanctions, but these colleagues would not have been surprised had they known MCCONNELL 25 years earlier when he was a student at the University of Louisville.

He remembers:

The civil rights movement was the defining issue of our generation. Working as an intern in Congress during the summer of 1963, I got to see [Martin Luther King, Jr.'s] ''I Have a Dream'' speech. Then, in 1964, I was an intern in [Kentucky Senator] John Sherman Cooper's office. Two important things happened in 1964. Cooper was in the middle of breaking the southern Senators' filibuster on civil rights and we nominated Barry Goldwater, one of the few people who voted against the Civil Rights bill. Honestly, I was mad as hell about it. And I was so irritated about Goldwater voting against the Civil Rights bill and defining the Republican Party in a way that I thought would be unfortunate that I voted for Lyndon Johnson, which in retrospect was a huge mistake. But it was a protest vote.

That willingness as a college student to buck his own political party resurfaced 40 years later in his leadership on First Amendment free speech issues. In 2006, he cast the deciding vote against the adoption of a constitutional amendment to prohibit flag burning when most of his Republican colleagues and almost all of his constituents had a different point of view. He argued that the First Amendment protects even personally offensive messages, and MCCONNELL became the Senate's leading voice against restrictions on political speech under the guise of ''campaign reform.'' Again, some in his own party disagreed, including President George W. Bush and Senator JOHN MCCAIN, but he persisted and on multiple occasions, the Supreme Court has agreed with MCCONNELL's view of protecting political speech under the First Amendment.

Two of the three U.S. Senate office buildings in Washington, DC, are named for Philip A. Hart of Michigan and Richard B. Russell, Jr., of Georgia, two Senators who were never elected to formal leadership positions by their colleagues. In this book, Senator MCCONNELL discusses ''leaders without portfolio'' in some of his writings, describing occasions when a Senator assumes a major policy role outside of the confines of formal party or committee leadership. His favorite was Senator Cooper, whom MITCH has described as ''my role model as a young man, a man of great conviction, very smart.'' In his autobiography ''The Long Game,'' Senator MCCONNELL tells of when Cooper took him to the signing of the Civil Rights Act and, later on, of watching Cooper's principled questioning of the Vietnam war.

Senator Cooper's example must have influenced his young intern's one-man crusade 20 years later against a repressive junta in faraway Burma. According to the New York Times, on September 15, 2016, Senator MCCONNELL ''has been a lead sponsor of every major sanctions measure against the Burmese government over the last 20 years and has worked quietly and tirelessly with several administrations to try to bring democracy to the country.''

''Unlike South African apartheid, it was a totally unknown cause,'' his foreign policy adviser, Robin Cleveland, told the Times. He championed the cause of Burma's pro-democracy leader, Daw Aung San Suu Kyi, who for years was under house arrest. In 2012, when San Suu Kyi came to Washington, DC, as the new head of government, she traveled to Kentucky ''to thank [MCCONNELL] for everything he did for us over, well, two decades. That's a long time,'' she said.

Of course, in order to be the Senate leader, one first has to be elected to the Senate. In MITCH MCCONNELL's early career, one can find multiple clues that point to his fascination with political campaigns and the pugnacious style with which he wins them. Of course, an early signal was the fistfight with Dicky McGrew. Another: ''I was the only 14-year-old in America watching political conventions from gavel to gavel [and] I began to practice the craft and see if I could get good at it.'' When he was elected president of his high school student body, he remembers, ''I was hooked.'' At the University of Louisville, he campaigned for president of student council both in college and in law school, participated in civil rights marches on the State capitol, and as president of the College Republicans, persuaded Barry Goldwater to come to campus to speak.

He did learn the craft of the politics, and he did get good at it. He is undefeated in his own political campaigns, winning six Senate races in Kentucky, more than any other Commonwealth Senator. He has been elected Republican leader more than any other U.S. Senator, each time unanimously, and he has been proficient in not just his own races.

In 2010 and 2012, the Senate Conservative Fund helped nominate Republican candidates in five States who lost the general election when more mainstream conservative nominees might have won. So, in 2014 and 2016, MCCONNELL organized an effort to defend incumbent Republican Senators who were challenged in primaries. He was successful in every case, including his own primary. This is what he said:

We were not going to allow [what happened in 2010 and 2012] to happen anymore. And so we got the most electable people nominated who basically took them on, because if you're dealing with a group of people who think compromise is a dirty word and who always want to make a point but never want to make a difference, the only thing to do if you want to win the election is to beat them.

Mostly, MITCH MCCONNELL's political skills were born of necessity. In July 1984, he was 34 points behind in his challenge to incumbent Democrat Senator Dee Huddleston. MCCONNELL discovered that his opponent had been making speeches for money—now, that was legal then—but Dee Huddleston had been missing Senate votes to make those speeches. So MCCONNELL ran an ad featuring a Kentucky hunter with bloodhounds looking for Senator Huddleston to get him back to work. In another ad, the dog treed the Senator right at the end of what became known as ''the bloodhound campaign.'' MCCONNELL defeated Huddleston by fourth-tenths of 1 percent of the vote.

I have searched in vain for early clues to one more aspect of MITCH MCCONNELL's leadership style: his parsimonious use of words. Sometimes he reverts to absolute silence. In his autobiography, he admits he only speaks to the press when it is to his advantage. He also tells of when Microsoft founder Bill Gates visited him and the two of them just sat there waiting for one to speak, making others in the room uncomfortable. At another time, someone once told President George W. Bush that MITCH MCCONNELL was excited over a certain vote, and President Bush replied: ''Really, how can you tell?''

Why so few words? McConnell's answer is, ''I learn a lot more by listening. And so frequently I start out by listening and think about what I want to say before I say it. You don't get in trouble for what you don't say. There's nothing wrong with being cautious about your comments. I certainly don't mind talking but I usually like to know what I'm talking about before I venture down that path.''

He is not the first Senate leader to be frugal with words. According to columnist Bob Novak, former majority leader Mike Mansfield was the most difficult interview on ''Meet the Press'' because ''I would ask Mansfield a question and he says 'Yep,' and then I would ask him another one and he'd say, 'Nope' and I'd run out of questions.'' Former Vice President Dick Cheney, in his constitutional capacity as President of the Senate, would attend weekly luncheons of Republican Senators, rarely saying a word. This made certain that, when Cheney did rise to speak, Senators listened. And silence, after all, was one of Benjamin Franklin's 13 virtues and a tactic Franklin often employed in his leadership style.

In July 2014, when he was minority leader, Senator MCCONNELL spoke on the Senate floor about what kind of majority leader he would be if Republicans won the majority in the November elections. His model, he said, would be Mike Mansfield, the Democrat who was majority leader 45 years earlier when MCCONNELL and I were Senate aides. ''What I meant by that,'' he said, ''was . . . first of all, you have to open the Senate up. The last year of the previous [Democrat] majority (2014) there were only 15 roll call votes on amendments the entire year. In the first year of our majority, in 2015, we had over 200. Open the Senate up, let people vote. Number two, we needed regular order, which means the bill is actually worked on together in committee, comes out to the floor, with bipartisan support, and has a better chance of success. The best example I can think of

was the bill to rewrite 'No Child Left Behind.' The law had proved to be unworkable and unpopular. And by the time it came out of committee, you had the Democrats and the Republicans lined up, it went to the floor, it was relatively open for amendments, not that absolutely everybody got everything they wanted, and in the end, it passed with a very large majority. President Obama called it a 'Christmas Miracle' and the Wall Street Journal said it was 'the largest devolution of federal control to the states in a quarter-century.'''

MCCONNELL is quick to list a series of bipartisan accomplishments during his time as majority leader which he regards as ''concrete legislative results for the American people.'' In addition to the first significant education reform since 2002, these accomplishments include the first significant reforms to Social Security since 1983, the first trade promotion authority bill since 2002, the first long-term highway bill since 2005, and the first major legislation to confront the Nation's opioid crisis. And don't forget, he says, measures to protect victims of human trafficking, to address Puerto Rico's fiscal crisis, to sanction North Korea, to strengthen the Nation's cybersecurity defenses, to reform Medicaid and to provide permanent tax relief for families and small businesses. These are serious accomplishments for a legislative body many had written off as irredeemably broken.

''Now, what do all these things that we have done time after time under our majority have in common?'' he asks. ''In a time of divided government, we're focusing on the things that we can agree on, and do those. Because when people elect divided government, I think what they're saying is, I know you have big differences, but why don't you look for the things you agree on and do those. And that's how this majority is totally different from the previous one.''

To gather other clues for what kind of majority leader MCCONNELL would be, one only had to look to previous Congresses when he was minority leader and was at the center of four major, bipartisan legislative efforts that helped to keep the American economy from being seriously damaged. At the end of 2010, the country was facing a tax ''cliff.'' Republicans controlled neither the White House nor Congress. With an economy still reeling from the Great Recession, the expiration of tax relief threatened to further imperil the economy; yet Senator MCCONNELL led a bipartisan effort to ensure that taxes were not raised on any Americans.

The next year, the United States was on the verge of defaulting on its debt payments for the first time in history. With the clock ticking on the full faith and credit of the United States and calamitous economic consequences staring policymakers in the face, Senator MCCONNELL negotiated an eleventh hour deal with Vice President Joe Biden. This measure avoided the devastating economic consequences of default and resulted in the most significant spending reductions in recent memory.

In late 2012, the United States risked prolonging the Great Recession and increasing unemployment due to a series of expiring tax policies and indiscriminate spending cuts scheduled to take effect on January 1, 2013. Once again, Senator MCCONNELL crafted a bipartisan compromise with Vice President Biden to avert this fiscal crisis by preventing a tax increase on a majority of Americans and making the spending cuts in a more prudent manner.

Finally, in 2013, a standoff involving Federal spending and the debt limit led to the second longest Federal shutdown since 1980, threatening thousands of public and private sector jobs, and putting the economic health of the country in jeopardy. Despite these challenges, Senator MCCONNELL orchestrated an agreement with then-Senate Majority Leader Harry Reid that reopened the government and raised the debt ceiling, allowing the United States to continue making payments on its debt.

The humorist Roy Blount, Jr., who grew up in Georgia has written, ''You start getting in trouble when you stop sounding like where you grew up.'' The political corollary is you start getting in trouble when you stop coming home. This is advice MCCONNELL has not forgotten. He and his wife, Elaine, go home to Kentucky almost every weekend. He has kept his eye on Kentucky matters, both large and small, including disposal of chemical weapons that have long been stored in the middle of Kentucky, enacting a tobacco buyout to help local farmers, support for the State's public universities, and his advocacy for workers at the Paducah Gaseous Diffusion Plant. Kentucky anglers and tourists appreciate his helping to enact a law to require the Army Corps of Engineers to allow fishing below the dams on the Cumberland River. Twenty years ago, he created the McConnell Center at the University of Louisville, attracting a bipartisan parade of national leaders to visit with 10 scholars chosen each year from each undergraduate class.

Each year, MITCH MCCONNELL buys 12 season tickets to the University of Louisville football games. He said:

I have some regulars. We go to every home game and occasionally an away game. We make a day of it. We go out early. One of my friends has an RV in the parking lot and we will talk about what will happen in the game and then go to the game and then we talk about what did happen after the game and it's a complete, lengthy exercise. And one of the great joys of life.

MITCH MCCONNELL's University of Louisville honors thesis on Henry Clay tempted him to pursue a Ph.D. in American history and a career as a professor, but those of us who know him doubt that he would have been satisfied interpreting the action rather than being in the middle of the action, but his devotion to American history and his understanding of the importance of the U.S. Senate as a unique institution in American life have contributed a valuable extra dimension to his Senate leadership.

In a 2016 C–SPAN interview, he was asked: ''What would you like for high school American history teachers to tell their students about the United States Senate?''

He replied:

That the Senate has been the indispensable legislative body. Because that's the place where things are sorted out, the place where only rarely does the majority get things exactly their own way, the place where stability can occur.

And at a time when many Americans are not optimistic about our country's future, he was asked: ''What would you want those teachers to tell students about their future in this country?''

MITCH MCCONNELL replied:

Because of our woeful ignorance of American history we always think the current period we're in is tougher than others. We've had nothing like the Civil War period. We haven't had a single incident where a Congressman from South Carolina came over and almost beat to death a Senator from Massachusetts. America's had plenty of tough challenges. World Wars. Depressions. This is a great country. We're going to deal with whatever our current problems are, and move on to another level. And I'm just as optimistic as I ever was that this generation is going to leave behind a better America than our parents left behind for us.

I thank the Presiding Officer.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019—Continued

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 5515.

The PRESIDING OFFICER (Mr. DAINES). Without objection, it is so ordered.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Toomey amendment No. 2700.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 2700 to amendment No. 2282, as modified, to H.R. 5515, an act to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pat Toomey, Ted Cruz, Cindy Hyde-Smith, James Lankford, John Cornyn, Roy Blunt, Thom Tillis, Marco Rubio, Mitch McConnell, Ben Sasse, James M. Inhofe, James E. Risch, John Barrasso, Cory Gardner, John Thune, Steve Daines, Ron Johnson.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the Inhofe amendment No. 2282, as modified.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 2282, as modified, to H.R. 5515, an act to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, Mike Crapo, Deb Fischer, Mike Rounds, Roger F. Wicker, Ted Cruz, Cindy Hyde-Smith, James Lankford, Marco Rubio, James M. Inhofe, John Cornyn, Roy Blunt, Thom Tillis, James E. Risch, John Barrasso, Cory Gardner, John Thune.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk for the bill, H.R. 5515.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 442, H.R. 5515, an act to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mitch McConnell, Mike Crapo, Deb Fischer, Mike Rounds, Roger F. Wicker, Ted Cruz, Cindy Hyde-Smith, James Lankford, Marco Rubio, James M. Inhofe, John Cornyn, Roy Blunt, Thom Tillis, James E. Risch, John Barrasso, Cory Gardner, John Thune.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls be waived.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 835.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Christopher Krebs, of Virginia, to be Under Secretary for National Protection and Programs, Department of Homeland Security.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Krebs nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

SECOND ANNIVERSARY OF THE PULSE NIGHTCLUB SHOOTING

Mrs. FEINSTEIN. Mr. President, I rise to solemnly remember the 49 individuals who died and the 53 who were wounded at Pulse Orlando, an LGBT nightclub in Orlando, FL, 2 years ago.

I will never forget waking up in the early hours that Sunday, to hear that a 29-year-old gunman, armed with a Sig Sauer MCX assault rifle, walked into a nightclub and massacred 49 individuals in one of the deadliest mass shootings ever witnessed in our country.

To this day, so many lives impacted from the attack are still on the long road to recovery and healing. To all of the families and loved ones of those who were lost and injured during the attack, please continue to accept my deepest condolences.

Please also know I will not rest until our country is safe from gun violence. We cannot simply sit back and do nothing while mass shootings continue to devastate our communities, our places of worship, our music venues, our schools, and our workplaces.

In the days that followed the Pulse nightclub attack, I, along with Senator NELSON and a number of my colleagues, resurrected calls for legislation to allow the FBI to deny gun transfers to known or suspected terrorists who pose a public safety risk.

The legislation was a direct response to Pulse. In fact, the gunman in Orlando was ISIL-inspired and fueled by hateful extremism and had previously been placed on the FBI's Terrorist Watchlist after earlier investigative warnings to the FBI were made about him.

And, yet, the man was allowed to walk into a gun store, pass a background check without any notification to the FBI, and walk out with a Sig Sauer MCX, a modern assault rifle with devastating killing capability.

Alarming statistics over a 10-year period demonstrate that, from February 2004 through December 2014, there were 2,233 cases in which a known or suspected terrorist identified in Federal terrorist watchlist records attempted to buy or receive a gun or explosives.

In 91 percent of these cases—a total of 2,043 different times—the known or suspected terrorist was cleared to buy or receive the firearm or explosives. In 2013 and 2014 alone, FBI data specifically showed that individuals on terrorist watchlists were involved in firearm-related background checks 485 times, and 455 of those—about 94 percent—were allowed to proceed.

It appeared there was widespread agreement to finally take action and ensure that no one who is a known or suspected terrorist, with ISIL affiliations, would be allowed to walk into a gun store and pass a Federal background check to obtain a gun. However, because of the gun lobby's strident opposition, and Republican submission to that opposition, the legislation withered and failed.

Unfortunately, the problem of mass shootings has continued to devastate this Nation. In October 2017 in Las Vegas, a single gunman with multiple assault rifles outfitted with bump stocks killed 58 people gathered to listen to a concert from his hotel room window. Numerous eyewitness accounts described the scene as a ''warzone.''

In Sutherland Springs, TX, in November 2017, a gunman walked into a church sanctuary on a Sunday, and killed 26 people, ranging from the elderly to young children.

Earlier this year, a 19-year-old gunman who legally purchased an AR–15 style rifle just after his 18th birthday used it to kill 14 of his former high school classmates and three educators at Marjory Stoneman Douglas High School in Parkland, FL.

These shootings are heartbreaking. Time and again, I have stood here to ask my colleagues to show courage, to stand up to the gun lobby, and do something. These calls are only growing louder. Young people are now also taking to the streets like never before and demanding action.

They are calling for weapons of war to be taken off of our streets, and they are calling for universal background checks. They are fighting for changes to our laws because they don't want to live in a country where although we are 4.4 percent of the world's population, we possess over 44 percent of the world's firearms.

They don't want to live in a country where it is more politically expedient to bar doorways at schools, rather than ban assault weapons. They are calling for lawmakers to stand up and do what is right: to close loopholes in our gun laws and decisively take steps so they feel safe in their schools, their churches, and their communities.

Their sentiment is captured powerfully in an article I would like to share, that was written by Glennon Doyle Melton, an author and mother of three children.

''Two weeks ago, my second and fourth grade daughters came home from school and told me that they'd had a code red drill... In case someone tries to kill us. We had to all hide in the bathroom together and be really quiet. It was really scary but the teacher said if there was a real man with a gun trying to find us, she'd cover us up and protect us from him. Tommy started crying. I tried to be brave.''

She continued: ''My three-year-old nephew had the same drill at his preschool in Virginia. Three-year-old American babies and teachers—hiding in bathrooms, holding hands, preparing for death. We are saying to teachers: arm yourselves and fight men with assault weapons because we are too cowardly to fight the gun lobby.

''We are saying to a terrified generation of American children—We will not do what it takes to protect you. We will not even try. So just be very quiet, hide and wait. Hold your breath. Shhh.''

By failing to act, year after year, these children all across our country are being forced to live in fear and have these kinds of ''trainings.''

We are asking our teachers to not focus on teaching math and English, but to wield weapons and fight off those armed to the teeth with military-style weapons. That can't be the solution.

We can no longer remain silent. We can no longer do nothing. We must stand up and fight. Our children and the generations to come demand it. I hope we will finally take action and pass these commonsense bills.

25TH ANNIVERSARY OF SEEDS OF PEACE

Ms. COLLINS. Mr. President, in 1993, American journalist and author John Wallach hosted a dinner with leaders from Israel, Egypt, and the Palestinian Authority. As he toasted his guests, he urged each country to send 15 youngsters to a new summer camp he had established in Otisfield, ME. That year, 46 teens, ages 13 to 18, and including three Americans, comprised the first class of the Seeds of Peace Camp.

Twenty-five years later, Seeds of Peace now has 6,698 alumni throughout the Middle East, South Asia, Europe, and the United States. They came to Maine from 27 countries, many from places of conflict, for 3 weeks of camping and social activities to promote understanding, reconciliation, acceptance, dialogue, coexistence, and peace. They returned home uniquely positioned to lead change and with the courage to dispel the fear, mistrust, and prejudice that fuel conflict.

It is a pleasure to congratulate this remarkable organization on its landmark 25th anniversary. Seeds of Peace is able to bridge borders and foster peace in the midst of longstanding global conflicts. Many of those early campers are now holding decision-making positions in their home countries, and I believe that the ''seeds of peace'' that were planted during their time in Maine will blossom into lasting, visionary solutions to conflicts perpetuated by cycles of violence.

Building on the success of the international program, Seeds of Peace launched the Maine Seeds leadership program in 2000 in response to the changing demographics in our State resulting from a growing refugee population. These Maine Seeds organize year-round community and school activities that bridge divisions and create positive change.

Seeds of Peace reveals the human face of youth who are too often exposed to hatred by engaging campers in both guided coexistence sessions and ordinary summer camp activities, such as sharing meals, canoeing, swimming, playing sports, and exploring creativity through the arts and computers. These interactions and the lasting friendships formed are creating new generations of leaders who will choose dialogue and understanding over violence and hatred.

In addition to the summer camp in Maine, Seeds of Peace provides year-round opportunities, through regional programming and the innovative use of technology, to enable former participants to build on the relationships forged at camp, so that the learning processes begun at camp may continue in the participants' home countries, where they are most needed.

Seeds of Peace is strongly supported by participating governments and many world leaders. Federal funding for Seeds of Peace demonstrates and recognizes the importance of Seeds of Peace in promoting the foreign policy goals of the United States.

The Seeds of Peace mission—to inspire and cultivate new generations of leaders to accelerate the social, economic, and political changes essential for peace—is more essential than ever before. From a small summer camp in Maine a quarter of a century ago to a global movement today, Seeds of Peace has carried out that vital mission and brought new hope to the world.

YEAR OF THE HAWAIIAN

Ms. HIRONO. Mr. President, last weekend, we gathered in the Capitol Visitor Center to celebrate the 283rd birthday of King Kamehameha I, who, to the best of our knowledge, was born in Kohala, HI, in 1735.

Since 1871, generations of Hawaiians have formally celebrated King Kamehameha's birthday through annual celebrations—including floral parades and lei-draping ceremonies. Kamehameha Day is celebrated across the State and is an acknowledged State holiday.

These events recognize the many accomplishments of Hawaii's first King and his importance in unifying the Hawaiian Islands.

This year was no different, as this past weekend tens of thousands of individuals gathered in Washington, DC, and Hawaii to remember his legacy and celebrate his accomplishments.

However, this year's ceremonies came at another important time of reflection.

On February 17, 2018, Gov. David Ige proclaimed 2018 to be the ''Year of the Hawaiian, Ke Au Hawaii'' in Hawaii. The Governor's proclamation came after the Hawaii State Legislature made a similar proclamation for the year.

So as we gathered to remember King Kamehameha, we also reflected more broadly on the achievements and contributions of Hawaii's indigenous, Native Hawaiian community in the areas of politics and government, education and the arts, music, writing and literature, sports, business, medicine, law, and social work.

We reflected on the restoration and revitalization of Native Hawaiian language and traditions and the importance of promoting Native Hawaiian cultural practices.

We remembered great statesmen like Daniel Kahikina Akaka, U.S. Senator of Native Hawaiian ancestry, who served in Congress over the course of five decades and recently passed away.

We remembered philanthropists like Princess Bernice Pauahi Bishop.

It has been 30 years since the last Year of the Hawaiian was celebrated in 1988, and important advancements by and for the Native Hawaiian community have been made since that time.

We have seen the creation and expansion of Native Hawaiian immersion schools and Hawaiian-focused charter schools. We have seen the establishment of a College of Hawaiian Language at the University of Hawaii. We have seen the continued revitalization of Native Hawaiian navigation practices, including through the Malama Honua Worldwide Voyage, which visited more than 150 ports and 23 countries and territories.

We have seen more than 14,000 Native Hawaiians serve in the U.S. military. We have seen the return of land and repatriation of Native Hawaiian cultural artifacts. We have seen the protection of Native Hawaiian burial sites. We have seen the expansion of Native Hawaiian healthcare services. We have seen the expansion of opportunities for Native Hawaiian businesses.

We have also seen the Federal Government reiterate its special political and legal relationship with the Hawaiian people based on their unique status

as an indigenous people of this country.

These advancements, while important in themselves, represent a continued commitment to making sure the Federal Government upholds its responsibilities to the Hawaiian people.

So as we continue through the Year of the Hawaiian and celebrate these achievements, let us also renew our commitment to the Hawaiian people and make sure we continue to fight for future generations.

Mahalo nui loa.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. MATT JONES

● Mr. BOOZMAN. Mr. President, today I wish to offer my congratulations to Dr. Matt Jones, the 2018 American Optometric Association Young Optometrist of the Year.

As the American Optometric Association, AOA, notes, there are young optometrists—those who have been in active practice 10 years or less, including residency or fellowship—who often show remarkable leadership skills when serving their profession, their patients, and their community.

Dr. Matthew Jones graduated from the University of Evansville in 2005 with a bachelor of science in biochemistry. From there, he attended my alma mater, the Southern College of Optometry in Memphis, TN, where he graduated with honors in 2009. Dr. Jones lives in Blytheville, AR, along with his wife and daughter, and practices in Blytheville and Osceola.

He also serves as president of the Arkansas Optometric Association. Dr. Jones received the Arkansas Young Optometrist of the Year Award in 2012 and serves on many committees in the organization, including State legal legislative, national legal legislative, convention, career guidance, and AOPPAC. He is also a member of the board of directors for the AOA's charitable foundation, Vision Arkansas.

In the community, Dr. Jones is a member of the Blytheville Rotary Club, where he previously served as treasurer. He is currently chairman of the Blytheville Rotary Foundation, in addition to being secretary/treasurer of the Great River Charitable Clinic board of directors where he provides free eyecare services and materials for the under-served.

We are so proud of Dr. Jones and his accomplishments. He is a great care provider, leader, and member of the community. This recognition is yet another example of the respect and admiration his peers have for him.

Congratulations to Dr. Jones on this well-deserved honor, and I look forward to his continued leadership in the coming years.●

MESSAGE FROM THE HOUSE

At 10:56 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5895. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5895. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–5504. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of four (4) officers authorized to wear the insignia of the grade of rear admiral or rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5505. A communication from the Policy Analyst, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Motor Vehicle Traffic Supervision (Specific Installations)'' (RIN0702–AA90) received during adjournment of the Senate in the Office of the President of the Senate on June 8, 2018; to the Committee on Armed Services.

EC–5506. A communication from the Law Enforcement Policy Analyst, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Use of Force by Personnel Engaged in Law Enforcement and Security Duties'' (RIN0702–AA87) received during adjournment of the Senate in the Office of the President of the Senate on June 8, 2018; to the Committee on Armed Services.

EC–5507. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Securities Transaction Settlement Cycle'' (RIN3064–AE64) received in the Office of the President of the Senate on June 11, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC–5508. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Optional Internet Availability of Investment Company Shareholder Reports'' (RIN3235–AL42) received during adjournment of the Senate in the Office of the President of the Senate on June 8, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC–5509. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Addition of Nonylphenol Ethoxylates Category; Community Right-to-Know Toxic Chemical Release Reporting'' (FRL No. 9979–16–OSCPP) received in the Office of the President of the Senate on June 11, 2018; to the Committee on Environment and Public Works.

EC–5510. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Removal of Department of Environmental Protection Gasoline Volatility Requirements for the Pittsburgh-Beaver Valley Area'' (FRL No. 9977–44–Region 3) received in the Office of the President of the Senate on June 11, 2018; to the Committee on Environment and Public Works.

EC–5511. A communication from the Chairman of the Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2017 through March 31, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC–5512. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Air Cargo Advance Screening (ACAS)'' (RIN1651–AB04) received in the Office of the President of the Senate on June 7, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC–5513. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System'' ((PS Docket No. 15–94) (FCC 18–39)) received in the Office of the President of the Senate on June 11, 2018; to the Committee on Commerce, Science, and Transportation.

EC–5514. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Connect America Fund, WC Docket Nos. 18–143, 10–90, 14–58'' ((RIN3060–AK57) (FCC 18–57)) received in the Office of the President of the Senate on June 11, 2018; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–243. A joint resolution adopted by the Legislature of the State of Alabama applying to the United States Congress, pursuant to Article V of the Constitution of the United States, to call a convention of the states limited to proposing an amendment that limits the number of terms of office a person may serve as a Member of the United States House of Representatives and as a Member of the United States Senate; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 23

Whereas, Article V of the Constitution of the United States provides that Congress shall call a convention for the purpose of proposing an amendment to the Constitution upon application by at least two-thirds of the states urging such action; now therefore, be it

Resolved by the legislature of Alabama, both houses thereof concurring, That we hereby make application to Congress, pursuant to Article V of the Constitution of the United States of America, urging Congress to call a convention limited to proposing an amendment to the Constitution of the United States of America to limit the number of terms a person may serve as a Member of the United States House of Representatives and as a Member of the United States Senate. Be it further

Resolved, That the Alabama Secretary of State is directed to transmit copies of this resolution making application to Congress to call a convention to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, each member of the Alabama Delegation to the United States Congress, and to the presiding officers of each of the legislative houses in each state. Be it further

Resolved, That this application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the United States House of Representatives and the United States Senate; and this application shall be combined with the applications of other states for the purpose of attaining the two-thirds of the states necessary to require Congress to call a limited convention for the purpose of setting term limits on the Members of Congress, but shall not be combined with applications on any other subject. Be it further

Resolved, That this resolution constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the states have made applications on the same subject.

POM–244. A resolution adopted by the City Council of Hialeah, Florida memorializing its support for strengthening the Florida Ban on Texting While Driving Law by making it a first offense; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

*Michelle Bowman, of Kansas, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2006.

*Richard Clarida, of Connecticut, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

*Richard Clarida, of Connecticut, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2008.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WYDEN (for himself, Mrs. GILLIBRAND, Ms. WARREN, Mrs. MURRAY, Mr. MARKEY, and Mr. MERKLEY):

S. 3049. A bill to amend the Help America Vote Act of 2002 to require paper ballots and risk limiting audits in all Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. PORTMAN:

S. 3050. A bill to improve executive agency digital services, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HOEVEN (for himself and Mr. BENNET):

S. 3051. A bill to require the Secretary of Transportation to establish a working group to study regulatory and legislative improvements for the livestock, insect, and agricultural commodities transport industries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GARDNER:

S. 3052. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on heavy trucks and trailers, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. CASSIDY):

S. 3053. A bill to amend title XXI of the Social Security Act to ensure access to mental health and substance use disorder services for children and pregnant women under the Children's Health Insurance Program, and for other purposes; to the Committee on Finance.

By Mr. PERDUE:

S. 3054. A bill to amend title XVIII of the Social Security Act to create alternative sanctions for technical noncompliance with the Stark rule under Medicare, and for other purposes; to the Committee on Finance.

By Ms. HARRIS:

S. 3055. A bill to waive the fees for replacement of critical documents for certain individuals, and to designate child care as a critical service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HOEVEN:

S. 3056. A bill to establish a more uniform, transparent, and modern process to authorize the construction, connection, operation, and maintenance of international border-crossing facilities for the import and export of oil and natural gas and the transmission of electricity; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself, Ms. KLOBUCHAR, Mr. HATCH, Mr. WYDEN, Mr. RUBIO, Ms. HASSAN, Mr. CASEY, Ms. STABENOW, Mr. CORNYN, Mrs. MCCASKILL, Mr. BROWN, Mr. ISAKSON, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S. 3057. A bill to provide for the processing by U.S. Customs and Border Protection of certain international mail shipments and to require the provision of advance electronic information on international mail shipments of mail; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. SULLIVAN, and Ms. HARRIS):

S. Res. 540. A resolution expressing the sense of the Senate that flowers grown in the United States support the farmers, small businesses, jobs, and economy of the United States, that flower farming is an honorable vocation, and designating July as ''American Grown Flower Month''; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself, Mr. PAUL, and Mr. MARKEY):

S. Res. 541. A resolution expressing the sense of the Senate that any United States-Saudi Arabia civilian nuclear cooperation agreement must prohibit the Kingdom of Saudi Arabia from enriching uranium or separating plutonium on its own territory, in keeping with the strongest possible nonproliferation ''gold standard''; to the Committee on Foreign Relations.

By Mr. VAN HOLLEN (for himself, Mr. CARDIN, Mr. KAINE, and Mr. WARNER):

S. Res. 542. A resolution congratulating the Washington Capitals for winning the 2018 Stanley Cup hockey championship; considered and agreed to .

By Mr. RUBIO (for himself and Mr. NELSON):

S. Res. 543. A resolution congratulating the Florida State University Seminoles softball team for winning the 2018 National Collegiate Athletic Association Women's College World Series; considered and agreed to.

By Ms. HIRONO (for herself, Mr. RUBIO, Mr. NELSON, Mr. WHITEHOUSE, Mr. MARKEY, and Mr. MERKLEY):

S. Res. 544. A resolution celebrating June 11, 2018, as the 20th anniversary of the establishment of the United States Coral Reef Task Force; considered and agreed to.

By Mr. NELSON (for himself, Mr. RUBIO, Ms. CORTEZ MASTO, Mr. CORNYN, Mr. MURPHY, Mrs. ERNST, Mr. MARKEY, Ms. BALDWIN, Mr. WHITEHOUSE, Mr. CARPER, Mrs. FEINSTEIN, Ms. WARREN, Ms. HIRONO, Mr. DURBIN, Ms. HASSAN, Mr. COONS, Mr. BROWN, Mr. KAINE, Mr. CASEY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Ms. SMITH, Mr. PETERS, Ms. DUCKWORTH, Mr. MERKLEY, Mr. INHOFE, Mr. HELLER, Ms. KLOBUCHAR, Mr. TOOMEY, Mr. SCHATZ, Ms. COLLINS, and Mr. CARDIN):

S. Res. 545. A resolution honoring the memory of the victims of the terrorist attack on the Pulse Orlando nightclub on June 12, 2016; considered and agreed to.

ADDITIONAL COSPONSORS

S. 256

At the request of Ms. HEITKAMP, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 256, a bill to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system.

S. 339

At the request of Mr. NELSON, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 339, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 515

At the request of Mr. CASEY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 515, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 802

At the request of Mr. BROWN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as

cosponsors of S. 802, a bill to award a Congressional Gold Medal in honor of Lawrence Eugene ''Larry'' Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II.

S. 817

At the request of Mr. CASEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 817, a bill to amend the Internal Revenue Code of 1986 to increase the age requirement with respect to eligibility for qualified ABLE programs.

S. 974

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mrs. ERNST) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 974, a bill to promote competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions of those drugs and biological products.

S. 1050

At the request of Mr. TOOMEY, his name was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1212

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1212, a bill to provide family members of an individual who they fear is a danger to himself, herself, or others, and law enforcement, with new tools to prevent gun violence.

S. 1324

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1324, a bill to prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

S. 1354

At the request of Mr. CARPER, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1354, a bill to establish an Individual Market Reinsurance fund to provide funding for State individual market stabilization reinsurance programs.

S. 1520

At the request of Mr. WICKER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1520, a bill to expand recreational fishing opportunities through enhanced marine fishery conservation and management, and for other purposes.

S. 1545

At the request of Mr. WARNER, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 1545, a bill to amend title XIX of the Social Security Act to provide the same level of Federal matching assistance for every State that chooses to expand Medicaid coverage to newly eligible individuals, regardless of when such expansion takes place.

S. 1580

At the request of Mr. RUBIO, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1580, a bill to enhance the transparency, improve the coordination, and intensify the impact of assistance to support access to primary and secondary education for displaced children and persons, including women and girls, and for other purposes.

S. 1677

At the request of Mr. DONNELLY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1677, a bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to improve access to grants and loans for evidence-based substance use disorder treatment services in rural areas, and for other purposes.

S. 1678

At the request of Mr. DONNELLY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1678, a bill to amend the Consolidated Farm and Rural Development Act to improve access to grants and loans for evidence-based substance use disorder treatment services in rural areas, and for other purposes.

S. 1947

At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1947, a bill to improve food safety, to encourage greater production of agricultural commodities for use in the locality of production, to reauthorize and expand Department of Agriculture support of those efforts, and for other purposes.

S. 2061

At the request of Mr. NELSON, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 2061, a bill to further deployment of Next Generation 9–1–1 services to enhance and upgrade the Nation's 9–1–1 systems, and for other purposes.

S. 2080

At the request of Ms. WARREN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 2080, a bill to increase the role of the financial industry in combating human trafficking.

S. 2221

At the request of Mr. JOHNSON, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. 2221, a bill to repeal the multi-State plan program.

S. 2460

At the request of Mr. BENNET, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2460, a bill to amend title XVIII of the Social Security Act to require e-prescribing for coverage under part D of the Medicare program of prescription drugs that are controlled substances.

S. 2468

At the request of Ms. HIRONO, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2468, a bill to provide access to counsel for unaccompanied alien children.

S. 2471

At the request of Mr. SCHATZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2471, a bill to amend title 18, United States Code, to improve the compassionate release process of the Bureau of Prisons, and for other purposes.

S. 2578

At the request of Mr. SCHATZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2578, a bill to amend title 13, United States Code, to require the Secretary of Commerce to provide advanced notice to Congress before changing any questions on the decennial census, and for other purposes.

S. 2955

At the request of Mr. WICKER, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 2955, a bill to reform the Mobility Fund Phase II challenge process conducted by the Federal Communications Commission.

S. 2957

At the request of Mr. CRAPO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2957, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 2970

At the request of Mr. DAINES, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2970, a bill to amend the Rural Electrification Act of 1936 to provide requirements on the use of assistance for broadband deployment, and for other purposes.

S. RES. 168

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 168, a resolution supporting respect for human rights and encouraging inclusive governance in Ethiopia.

S. RES. 407

At the request of Mr. COONS, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. Res. 407, a resolution recognizing the critical work of human rights defenders in promoting human rights, the rule of law, democracy, and good governance.

S. RES. 501

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. Res. 501, a resolution recognizing threats to freedom of the press and expression around the world and reaffirming freedom of the press as a priority in efforts of the Government of the United States to promote democracy and good governance.

S. RES. 526

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 526, a resolution expressing the sense of the Senate that politicians should not interfere with a woman's personal health care decisions or attempt to prevent providers from offering their full medical recommendations to their patients.

S. RES. 539

At the request of Mr. WICKER, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 539, a resolution urging the President to strengthen efforts of the United States to combat religious freedom violations in Eurasia, especially the use of torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction or clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of persons.

AMENDMENT NO. 2331

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 2331 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2346

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2346 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2365

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2365 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2367

At the request of Ms. CORTEZ MASTO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2367 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2385

At the request of Mr. HEINRICH, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of amendment No. 2385 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2411

At the request of Mr. NELSON, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Ms. HARRIS), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nevada (Mr. HELLER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 2411 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2412

At the request of Mr. NELSON, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of amendment No. 2412 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2571

At the request of Ms. KLOBUCHAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2571 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2578

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2578 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2625

At the request of Mr. SCHATZ, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of amendment No. 2625 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2630

At the request of Mr. BLUMENTHAL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2630 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2648

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of amendment No. 2648 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2660

At the request of Mr. SANDERS, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2660 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2662

At the request of Mr. WARNER, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of amendment No. 2662 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2676

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2676 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2681

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2681 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2696

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2696 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2725

At the request of Mr. LEE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Kansas (Mr. MORAN), and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2725 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2726

At the request of Mr. LEE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 2726 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2730

At the request of Mr. LEE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 2730 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2750

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2750 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2757

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2757 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2783

At the request of Mrs. ERNST, the name of the Senator from Washington (Ms. CANTWELL) was withdrawn as a cosponsor of amendment No. 2783 intended to be proposed to H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 540—EXPRESSING THE SENSE OF THE SENATE THAT FLOWERS GROWN IN THE UNITED STATES SUPPORT THE FARMERS, SMALL BUSINESSES, JOBS, AND ECONOMY OF THE UNITED STATES, THAT FLOWER FARMING IS AN HONORABLE VOCATION, AND DESIGNATING JULY AS ''AMERICAN GROWN FLOWER MONTH''

Mrs. FEINSTEIN (for herself, Mr. SULLIVAN, and Ms. HARRIS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 540

Whereas cut flower growers in the United States are hard-working, dedicated individuals who bring beauty, economic stimulus, and pride to their communities and the nation;

Whereas the people of the United States have a long history of using flowers and greens grown in the United States to bring beauty to important events and express affection for loved ones;

Whereas consumers spend almost $27,000,000,000 each year on floral products, including cut flowers, garden plants, bedding, and indoor plants;

Whereas nearly 30 percent of households in the United States purchase fresh cut flowers and greens from more than 16,000 florists and floral establishments each year;

Whereas the people of the United States increasingly want to support domestically produced foods and agricultural products and would prefer to buy locally grown flowers whenever possible, yet a majority of domestic consumers do not know where the flowers they purchase are grown;

Whereas in response to increased demand, the ''Certified American Grown Flowers'' logo was created in July 2014 in order to educate and empower consumers to purchase flowers from domestic producers;

Whereas, as of April 2017, millions of stems of domestically grown flowers are now ''Certified American Grown'';

Whereas domestic flower farmers produce thousands of varieties of flowers across the United States, such as peonies in Alaska, Gerbera daisies in California, lupines in Maine, tulips in Washington, lilies in Oregon, and larkspur in Texas;

Whereas the 5 flower varieties with the highest United States production are tulips, Gerbera daisies, lilies, gladiolas and irises;

Whereas people in every State have access to domestically grown flowers, yet only 1 of 5 flowers sold in the United States is domestically grown;

Whereas the domestic cut flower industry creates almost $42,000,000 in economic impact daily and supports hundreds of growers, thousands of small businesses, and tens of thousands of jobs in the United States;

Whereas more people in the United States are expressing interest in growing flowers locally, which has resulted in an approximately 20 percent increase in the number of domestic cut flower farms between 2007 and 2012;

Whereas most domestic cut flowers and greens are sold in the United States within 24 to 48 hours after harvest and last longer than flowers shipped longer distances;

Whereas flowers grown domestically enhance the ability of the people of the United States to festively celebrate weddings and births, and honor those who have passed;

Whereas flower-giving has been a holiday tradition in the United States for generations;

Whereas flowers speak to the beauty of motherhood on Mother's Day and to the spirit of love on Valentine's Day;

Whereas flowers are an essential part of other holidays such as Thanksgiving, Christmas, Hanukkah, and Kwanzaa;

Whereas flowers help commemorate the service and sacrifice of our Armed Forces on Memorial Day and Veterans Day; and

Whereas the Senate encourages the cultivation of flowers in the United States by domestic flower farmers: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 2018 as ''American Grown Flower Month'';

(2) recognizes that purchasing flowers grown in the United States supports the farmers, small businesses, jobs, and economy of the United States;

(3) recognizes that growing flowers and greens in the United States is a vital part of the agricultural industry of the United States;

(4) recognizes that cultivating flowers domestically enhances the ability of the people of the United States to festively celebrate holidays and special occasions; and

(5) urges all people of the United States to proactively showcase flowers and greens grown in the United States in order to show support for our flower farmers, processors, and distributors as well as agriculture in the United States overall.

SENATE RESOLUTION 541—EXPRESSING THE SENSE OF THE SENATE THAT ANY UNITED STATES-SAUDI ARABIA CIVILIAN NUCLEAR COOPERATION AGREEMENT MUST PROHIBIT THE KINGDOM OF SAUDI ARABIA FROM ENRICHING URANIUM OR SEPARATING PLUTONIUM ON ITS OWN TERRITORY, IN KEEPING WITH THE STRONGEST POSSIBLE NONPROLIFERATION ''GOLD STANDARD''

Mr. MERKLEY (for himself, Mr. PAUL, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 541

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (NPT), which is nearing its fiftieth anniversary, obligates non-nuclear weapon states, in Article II, ''not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices'': Now, therefore, be it

Resolved, That it is the sense of the Senate that any United States-Saudi Arabia civilian nuclear cooperation agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), commonly known as a ''123 Agreement'', concluded in the future, must prohibit the Kingdom of Saudi Arabia from enriching uranium or separating plutonium on its own territory, in keeping with the strongest possible nonproliferation ''gold standard''.

SENATE RESOLUTION 542—CONGRATULATING THE WASHINGTON CAPITALS FOR WINNING THE 2018 STANLEY CUP HOCKEY CHAMPIONSHIP

Mr. VAN HOLLEN (for himself, Mr. CARDIN, Mr. KAINE, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 542

Whereas, on June 7, 2018, the Washington Capitals won the 2018 Stanley Cup hockey championship;

Whereas the Capitals, in their 44th year playing in the National Hockey League, won their first Stanley Cup;

Whereas the Capitals defeated the Vegas Golden Knights in the Stanley Cup Final in 5 games, clinching the series with 4 wins and 1 loss, including 4 wins in a row to close out the series;

Whereas the Capitals overcame 3 series deficits to 3 opponents en route to the Stanley Cup Final, defeating the Columbus Blue Jackets, the Pittsburgh Penguins, and the Tampa Bay Lightning to clinch the Eastern Conference title and win their second Prince of Wales Trophy;

Whereas the Capitals became the first team from Washington, DC, in the 4 major professional sports leagues in the United States to win a championship since 1992;

Whereas the Capitals overcame years of heartbreak to advance past the second round of the Stanley Cup playoffs for the first time since 1998;

Whereas tens of thousands of Capitals fans watched Game 5 of the Stanley Cup Final outside of Capital One Arena in Washington, DC;

Whereas Ted Leonsis, chief executive officer of Monumental Sports and owner of the Washington Capitals since 1999, has built a culture of success and contributed greatly to the Washington, DC, community through philanthropy;

Whereas John Walton, radio announcer for the Capitals, is beloved by Capitals fans and prophetically asserted this playoffs, ''It's OK to believe.'';

Whereas Alexander Ovechkin, captain of the Washington Capitals since 2010 and the first overall pick in the 2004 National Hockey League draft, exhibited extraordinary leadership and delivered superstar-caliber play, leading all scorers in the Stanley Cup playoffs with 15 goals and receiving the Conn Smythe Trophy as the most valuable player for the 2018 Stanley Cup playoffs;

Whereas during the 2018 Stanley Cup playoffs, Braden Holtby recorded a remarkable 0.922 save percentage and 2 shutouts;

Whereas during the 2018 Stanley Cup playoffs, Evgeny Kuznetsov recorded 32 points, including 12 goals and 20 assists, the second most points scored in a Stanley Cup playoff year since 1997, and was only the fifth player to record 30 or more points in a single Stanley Cup playoff year since 1997;

Whereas Barry Trotz, head coach of the Capitals, and the entire coaching staff kept the Capitals composed and organized, despite facing obstacles and adversity throughout the regular season and Stanley Cup playoffs; and

Whereas the entire Capitals roster banded together as one family to contribute to the Stanley Cup victory, including Nicklas Backstrom, Jay Beagle, Travis Boyd, Madison Bowey, Andre Burakovsky, John Carlson, Alex Chiasson, Brett Connolly, Pheonix Copley, Christian Djoos, Lars Eller, Shane Gersich, Philipp Grubauer, Braden Holtby, Jakub Jerabek, Michal Kempny, Evgeny Kuznetsov, Matt Niskanen, Dmitry Orlov, Brooks Orpik, T.J. Oshie, Alex Ovechkin, Devante Smith-Pelly, Chandler Stephenson, Jakub Vrana, Nathan Walker, and Tom Wilson: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Washington Capitals and their dedicated fans for becoming the 2018 National Hockey League Stanley Cup champions; and

(2) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the founder, chairman, majority owner, and chief executive officer of Monumental Sports and owner of the Washington Capitals, Ted Leonsis;

(B) the senior vice president and general manager of the Washington Capitals, Brian MacLellan; and

(C) the head coach of the Washington Capitals, Barry Trotz.

SENATE RESOLUTION 543—CONGRATULATING THE FLORIDA STATE UNIVERSITY SEMINOLES SOFTBALL TEAM FOR WINNING THE 2018 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION WOMEN'S COLLEGE WORLD SERIES

Mr. RUBIO (for himself and Mr. NELSON) submitted the following resolution; which was considered and agreed to:

S. RES. 543

Whereas, on June 5, 2018, the Florida State University Seminoles softball team won the Women's College World Series after sweeping the University of Washington Huskies 2–0 in Oklahoma City, Oklahoma;

Whereas the Florida State University Seminoles softball team has competed in 10 Women's College World Series tournaments;

Whereas, in winning the 2018 Women's College World Series, the Florida State University Seminoles softball team—

(1) won its first Women's College World Series Championship; and

(2) won Florida State University's 15th national championship in a team sport since the university began fielding intercollegiate athletic teams in 1946;

Whereas the Florida State University softball team finished the season with a record of 58 wins and 12 losses;

Whereas infielder Jessie Warren was named Most Outstanding Player of the 2018 Women's College World Series, tying the National Collegiate Athletic Association (referred to in this preamble as the ''NCAA'') record for hits in a Women's College World Series;

Whereas pitcher Meghan King finished the Women's College World Series allowing only 1 earned run over 34 innings of pitching, the lowest earned run average in a Women's College World Series in NCAA history; and

Whereas the Florida State University Seminoles softball team is the 2018 NCAA Division I National Champion: Now, therefore, be it

Resolved, That the Senate—

(1) commends Florida State University for winning the 2018 National Collegiate Athletic Association Women's College World Series;

(2) recognizes the achievement and dedication of all players, coaches, and support staff who contributed to winning the Women's College World Series;

(3) congratulates the citizens of Florida, Florida State University, and Seminole fans everywhere; and

(4) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) John E. Thrasher, President of Florida State University;

(B) Stan Wilcox, Director of Athletics of Florida State University; and

(C) Lonni Alameda, Head Coach of the Florida State University softball team.

SENATE RESOLUTION 544—CELEBRATING JUNE 11, 2018, AS THE 20TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES CORAL REEF TASK FORCE

Ms. HIRONO (for herself, Mr. RUBIO, Mr. NELSON, Mr. WHITEHOUSE, Mr. MARKEY, and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas 2018 marks the 20th anniversary of the establishment of the United States Coral Reef Task Force;

Whereas the United States Coral Reef Task Force—

(1) was established under Executive Order 13089 (63 Fed. Reg. 32701; relating to coral reef protection) on June 11, 1998, ''to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment'';

(2) is composed of 12 Federal agencies, 7 States and territories of the United States, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

(3) helps build partnerships, develop strategies, and provide support to carry out on-the-ground actions to conserve coral reefs;

Whereas more than 50 percent of all species in federally managed fisheries depend on coral reefs at some stage during their life cycles;

Whereas healthy coral reef ecosystems are havens for biological diversity and abundance, providing important habitats, spawning areas, and nursery grounds for fish, crustaceans, algae, and other species;

Whereas, in November 2016, the International Coral Reef Initiative—

(1) declared 2018 as the International Year of the Reef for the third time; and

(2) encouraged—

(A) strengthening awareness globally about the value of, and threats to, coral reefs and associated ecosystems;

(B) promoting partnerships between governments, the private sector, academia, and civil society on the management of coral reefs;

(C) identifying and implementing effective management strategies for conservation, increased resiliency, and sustainable use of coral reefs and associated ecosystems; and

(D) promoting and sharing information on best practices relating to sustainable coral reef management strategies;

Whereas coral reefs—

(1) directly benefit the economy of the United States by supporting coastal tourism, fisheries, biomedicine development, and traditional and cultural uses; and

(2) provide an indirect economic benefit in the form of shoreline protection from high seas and severe storm surge from hurricanes and tsunamis;

Whereas coral reefs face ongoing threats from changing ocean conditions, nutrient pollution from coastal runoff, invasive species, recurring disease outbreaks and bleaching events, and poor coastal resource management;

Whereas approximately ⅓ of the coral reefs in the world are degraded, and another ⅓ of coral reefs are at risk of further degradation in the next few decades without effective management and restoration; and

Whereas the conservation and restoration of healthy, fully functioning coral reefs helps to sustain resilient coasts and vibrant economies by providing food, promoting cultural values, supporting livelihoods, and protecting human health and safety and coastal properties: Now, therefore, be it

Resolved, That the Senate celebrates June 11, 2018, as the 20th anniversary of the establishment of the United States Coral Reef Task Force in order to—

(1) highlight the importance of the coral reefs of the United States;

(2) acknowledge the important research and management accomplishments of the United States Coral Reef Task Force; and

(3) encourage a continued focus on efforts to protect and restore coral reef ecosystems of the United States.

SENATE RESOLUTION 545—HONORING THE MEMORY OF THE VICTIMS OF THE TERRORIST ATTACK ON THE PULSE ORLANDO NIGHTCLUB ON JUNE 12, 2016

Mr. NELSON (for himself, Mr. RUBIO, Ms. CORTEZ MASTO, Mr. CORNYN, Mr. MURPHY, Mrs. ERNST, Mr. MARKEY, Ms. BALDWIN, Mr. WHITEHOUSE, Mr. CARPER, Mrs. FEINSTEIN, Ms. WARREN, Ms. HIRONO, Mr. DURBIN, Ms. HASSAN, Mr. COONS, Mr. BROWN, Mr. KAINE, Mr. CASEY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Ms. SMITH, Mr. PETERS, Ms. DUCKWORTH, Mr. MERKLEY, Mr. INHOFE, Mr. HELLER, Ms. KLOBUCHAR, Mr. TOOMEY, Mr. SCHATZ, Ms. COLLINS, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

Whereas, in the early hours of Sunday, June 12, 2016, a 29-year-old man from Ft. Pierce, Florida, killed 49 and wounded 53 innocent people in a horrific terrorist attack on Pulse Orlando, a lesbian, gay, bisexual, and transgender nightclub, during Latin night;

Whereas the gunman, who was investigated in 2013–2014 by the Federal Bureau of Investigation (in this preamble referred to as the ''FBI'') for possible connections to terrorism, pledged his allegiance to the leader of the Islamic State of Iraq and the Levant (in this preamble referred to as ''ISIL'');

Whereas then-President Obama called the attack an act of both terror and hate as well as an attack on all of the people of the United States and the fundamental values of equality and dignity;

Whereas the attack was, at the time, the deadliest mass shooting in the modern history of the United States and is the worst terrorist attack on United States soil since September 11, 2001;

Whereas the law enforcement professionals of the city of Orlando and Orange County, Florida, the Florida Department of Law Enforcement, the FBI, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and other emergency and health care professionals responded to the attack bravely and admirably and in a coordinated manner, saving many lives;

Whereas following the attack, hundreds of people stood in long lines to donate blood for those injured in the attack, and the people of Orlando, the State of Florida, and the United States expressed overwhelming support for the victims, their families, and their loved ones regardless of race, ethnicity, religion, sex, or sexual orientation;

Whereas local organizations and caregivers came together with the Federal, State, and local government to support the victims and help the community heal;

Whereas the community of Orlando and communities across the State of Florida and the United States, in the spirit of unity and respect, continue to support the victims, their families, their loved ones, and all those affected by the attack, as well as the brave men and women of Federal, State, and local law enforcement and other emergency and health care professionals for their dedicated service to their communities;

Whereas Tuesday, June 12, 2018, marks 2 years since the attack; and

Whereas the threat of terrorist attacks against the United States and its allies persists, including the threat posed by homegrown terrorists inspired by foreign terrorist organizations like ISIL: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the victims killed in the horrific terrorist attack on the Pulse Orlando nightclub on June 12, 2016, and offers heartfelt condolences and deepest sympathies for their families, loved ones, and friends;

(2) honors the survivors of the attack and pledges continued support for their recovery;

(3) recognizes the unity, compassion, and resilience of the Orlando community after the attack;

(4) applauds the dedication and bravery of Federal, State, and local law enforcement and counterterrorism officials for their efforts to respond to the attack, prevent future attacks, and secure communities;

(5) stands together with all people of the United States, regardless of race, ethnicity, religion, sex, or sexual orientation, in the face of terror and hate; and

(6) reaffirms the commitment of the United States and its allies to defeat the Islamic State of Iraq and the Levant and other terrorist groups at home and abroad and to address the threat posed by homegrown terrorism.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2784. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2785. Ms. HARRIS (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2786. Mr. MENENDEZ (for himself, Mr. CRUZ, Mr. NELSON, Mr. RUBIO, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2787. Mr. MENENDEZ (for himself, Mr. RUBIO, and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2788. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2789. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2790. Mr. CARDIN (for himself, Mr. HATCH, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2791. Mr. CARDIN (for himself, Mr. MCCAIN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2792. Mr. INHOFE (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2793. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2794. Mr. SCOTT (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2795. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2796. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2797. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2798. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2799. Mr. CORNYN (for himself and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2800. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2801. Ms. STABENOW (for herself, Ms. BALDWIN, Mr. MURPHY, Mr. MERKLEY, and Ms. SMITH) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2802. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2803. Mr. HOEVEN (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2804. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2805. Mr. PAUL (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2806. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2807. Mr. CRUZ (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2808. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2809. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2810. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2811. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2812. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2813. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2814. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2815. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2816. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2817. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2818. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2819. Mr. UDALL (for himself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. BROWN, and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2820. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2821. Mr. WICKER (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2822. Mr. SCOTT (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2823. Mr. SCOTT submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2824. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2825. Mr. GARDNER (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2826. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2827. Mrs. CAPITO (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2828. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2829. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2830. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2831. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2832. Mr. PORTMAN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2833. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2834. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2835. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2836. Ms. WARREN (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2837. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2838. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2839. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2840. Mr. PORTMAN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2841. Mr. SCOTT submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself

and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2842. Mr. REED (for himself and Ms. WARREN) proposed an amendment to amendment SA 2366 proposed by Mr. LEE (for himself, Mrs. FEINSTEIN, and Mr. CRUZ) to the bill H.R. 5515, supra.

SA 2843. Mrs. CAPITO (for herself, Ms. WARREN, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2844. Mrs. CAPITO (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2845. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2846. Ms. DUCKWORTH (for herself, Mr. JOHNSON, Ms. BALDWIN, Mr. PETERS, Mr. RUBIO, and Mr. SCOTT) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2847. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2848. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2849. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2850. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2851. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2852. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2853. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2854. Mrs. GILLIBRAND (for herself, Ms. BALDWIN, and Mr . SCHUMER) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2855. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2856. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2857. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2858. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

SA 2859. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2784. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1066. PROGRAM TO COMMEMORATE THE HOLOCAUST.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to commemorate the Holocaust.

(b) ELEMENTS.—The commemorative program shall be designed—

(1) to remember—

(A) the Holocaust;

(B) the annihilation of 6,000,000 Jews by the Nazi regime; and

(C) the mass murder of Roma, Slavs, and others; and

(2) to pay tribute to the Allied troops who liberated Nazi concentration camps during World War II.

(c) CONSULTATION IN DESIGN.—In designing the commemorative program, the Secretary shall consult with the Director of the United States Holocaust Memorial Museum.

SA 2785. Ms. HARRIS (for herself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 558. DIRECT EMPLOYMENT PILOT PROGRAM FOR MEMBERS OF THE RESERVE COMPONENTS AND VETERANS.

(a) AUTHORITY.—The Secretary of Defense may enter into agreements with the chief executives of the States to carry out pilot programs to enhance the efforts of the Department of Defense to provide job placement assistance and related employment services directly to unemployed or underemployed members of the reserve components of the Armed Forces and veterans.

(b) ADMINISTRATION.—The pilot program in a State shall be administered by the adjutant general in that State appointed under section 314 of title 32, United States Code. If the adjutant general is unavailable or unable to administer a pilot program, the Secretary, after consulting with the chief executive of the State, shall designate an official of that State to administer that pilot program.

(c) PROGRAM MODEL.—A pilot program under this section—

(1) shall use a job placement program model that focuses on working one-on-one with individuals described in subsection (a) to provide cost-effective job placement services, including—

(A) job matching services;

(B) resume editing;

(C) interview preparation; and

(D) post-employment follow up; and

(2) shall incorporate best practices of State-operated direct employment programs for members of the reserve components of the Armed Forces and veterans, such as the programs conducted in California and South Carolina.

(d) SKILLBRIDGE TRAINING OPPORTUNITIES.—A pilot program under this section shall utilize civilian training opportunities through the SkillBridge transition training program administered by the Department of Defense.

(e) STATE COSTS.—Any costs of a State in carrying out a pilot program under this section shall be borne by the State.

(f) EVALUATION.—The Secretary shall develop outcome measurements to evaluate the success of any pilot program established under this section.

(g) REPORTING.—

(1) REPORT REQUIRED.—Not later than March 1, 2021, the Secretary, in coordination with the Secretary of Veterans Affairs and Chief of the National Guard Bureau, shall submit to the congressional defense committees a report describing the results of any pilot program established under this section.

(2) ELEMENTS.—A report under paragraph (1) shall include the following elements:

(A) A description and assessment of the effectiveness and achievements of the pilot program, including—

(i) the number of members of the reserve components of the Armed Forces and veterans hired; and

(ii) the cost-per-placement of participating members and veterans.

(B) An assessment of the impact of the pilot program and increased reserve component employment levels on—

(i) the readiness of members of the reserve components of the Armed Forces; and

(ii) retention of service members.

(C) A comparison of the pilot program to other programs conducted by the Department of Defense or Department of Veterans Affairs to provide unemployment and underemployment support to members of the reserve components of the Armed Forces or veterans, including best practices the improved the effectiveness of such programs.

(D) Any other matter the Secretary determines to be appropriate.

(h) DURATION OF AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the authority to carry out a pilot program under this section expires on September 30, 2023.

(2) EXTENSION.—The Secretary may extend a pilot program under this section beyond the date in paragraph (1) by not more than two years.

SA 2786. Mr. MENENDEZ (for himself, Mr. CRUZ, Mr. NELSON, Mr. RUBIO, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1271. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS RESPONSIBLE FOR VIOLENCE AND HUMAN RIGHTS ABUSES IN NICARAGUA.

(a) FINDINGS.—Congress makes the following findings:

(1) Beginning on April 18, 2018, the Government of Nicaragua responded to antigovernment protests with excessive force and killings perpetrated by its public security forces and, as of June 11, 2018, more than 130 people have been killed in the context of those protests.

(2) The Country Reports on Human Rights Practices for 2017 of the Department of State notes, with respect to Nicaragua, that actions by the ruling Sandinista National Liberation Front party have resulted in the de facto concentration of power in a single party, with an authoritarian executive branch exercising significant control over the legislative, judicial, and electoral functions of the Government of Nicaragua.

(3) That report also stated with respect to Nicaragua that ''the most significant human rights abuses included reports of arbitrary or unlawful killings; almost complete lack of judicial independence; unlawful interference with privacy; multiple obstacles to freedom of speech and the press, including government intimidation, and harassment of and threats against journalists and independent media; and partisan restrictions on freedom of peaceful assembly''.

(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to any foreign person, including any current or former official of the Government of Nicaragua or any person acting on behalf of that Government, that the President determines—

(1) has perpetrated, or is responsible for ordering or otherwise directing, significant acts of violence or serious human rights abuses in Nicaragua against persons associated with the antigovernment protests in Nicaragua that began on April 18, 2018;

(2) is responsible for or complicit in ordering, controlling, or otherwise directing significant actions or policies that undermine democratic processes or institutions in Nicaragua; or

(3) is an official of the Government of Nicaragua, or a senior associate of such an official, that is responsible for or complicit in ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions.

(c) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of an alien determined by the President to be subject to subsection (b), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of any visa or other documentation of the alien.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1)(A) or any regulation, license, or order issued to carry out paragraph (1)(A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods (as that term is defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.))).

(4) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) CERTIFICATION.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report certifying whether the Government of Nicaragua is taking effective steps—

(1) to strengthen the rule of law and democratic governance, including the independence of the judicial system and electoral council;

(2) to combat corruption, including by investigating and prosecuting officials of that Government who are credibly alleged to be corrupt; and

(3) to protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference.

(e) WAIVER.—

(1) TEMPORARY GENERAL WAIVER.—If the Secretary of State certifies to the appropriate congressional committees under subsection (d) that the Government of Nicaragua is taking effective steps as described in that subsection, the President may waive the imposition of additional sanctions under subsection (b) for a period of not more than one year beginning on the date of the certification.

(2) CASE-BY-CASE WAIVER.—The President may waive the application of sanctions under subsection (b) with respect to a person if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) not later than the date on which the waiver takes effect, submits to the appropriate congressional committees a notice of and justification for the waiver.

(f) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of State for Intelligence and Research, and in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the involvement of senior officials of the Government of Nicaragua, including members of the Supreme Electoral Council, the National Assembly, and the judicial system, in acts of public corruption or human rights violations in Nicaragua.

(2) FORM.—

(A) IN GENERAL.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the report required by paragraph (1) shall be made available to the public.

(g) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(h) TERMINATION.—This section shall terminate on December 31, 2023.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SA 2787. Mr. MENENDEZ (for himself, Mr. RUBIO, and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1271. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS RESPONSIBLE FOR VIOLENCE AND HUMAN RIGHTS ABUSES IN CUBA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Government of Cuba continues to carry out arbitrary detentions of peaceful dissidents, most of whom are kept under degrading and inhumane conditions, and according to the Cuban Commission on Human Rights and National Reconciliation, as of May 2018, there have been more than 1,400 of those detentions.

(2) The Country Reports on Human Rights Practices for 2017 in Cuba set forth by the Department of State notes that the principal human rights abuses in Cuba included—

(A) the abridgement of the ability of citizens to choose their government;

(B) the use of government threats, physical assault, intimidation, and violent government-organized counter protests against peaceful dissent; and

(C) harassment and detentions to prevent free expression an peaceful assembly.

(3) That report stated that additional human rights abuses included—

(A) harsh prison conditions;

(B) arbitrary short-term, politically motivated detentions and arrests;

(C) selective prosecution;

(D) denial of fair trial; and

(E) travel restrictions.

(4) Significant support by the Government of Cuba for the authoritarian regime of Nicolas Maduro in Venezuela that includes sending tens of thousands of Cuban trainers, advisers, security personnel, militias, paramilitary groups, and intelligence officers, and was described by the Secretary General of the Organization of American States as an ''occupation army'' during a hearing before the Committee on Foreign Relations of the Senate on July 19, 2017, has directly contributed to worsening conditions in Venezuela and the destabilization of the region.

(b) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (c) with respect to any foreign person, including any current or former official of the Government of Cuba or any person acting on behalf of that Government, that the President determines—

(1) has perpetrated, or is responsible for ordering or otherwise directing, significant acts of violence or serious human rights abuses in Cuba;

(2) has been responsible for or is responsible for or complicit in ordering, controlling, or otherwise directing significant actions or policies that undermine democratic processes or institutions in Cuba;

(3) is an official of the Government of Cuba, or a senior associate of such an official, that is responsible for or complicit in ordering, controlling, or otherwise directing acts of significant corruption, including—

(A) the expropriation of private or public assets for personal gain;

(B) corruption related to government contracts;

(C) bribery; or

(D) the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) is an official of the Government of Cuba, or a senior associate of such an official, that has been responsible for or is responsible for or complicit in ordering, controlling, or otherwise directing significant actions or policies that undermine democratic processes or institutions in Venezuela.

(c) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person determined by the President to be subject to subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) EXCLUSION FROM THE UNITED STATES AND REVOCATION OF VISA OR OTHER DOCUMENTATION.—In the case of an alien determined by the President to be subject to subsection (b), denial of a visa to, and exclusion from the United States of, the alien, and revocation in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) of any visa or other documentation of the alien.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (1)(A) or any regulation, license, or order issued to carry out paragraph (1)(A) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods (as that term is defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.))).

(4) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT OR OTHER INTERNATIONAL OBLIGATIONS.—Sanctions under paragraph (1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) CERTIFICATION.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report certifying whether the Government of Cuba is taking effective steps to—

(1) strengthen the rule of law and democratic governance in Cuba, including by strengthening the independence of the judicial system and electoral council;

(2) combat corruption in Cuba, including by investigating and prosecuting officials of that Government that are credibly alleged to be corrupt;

(3) protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference in Cuba; and

(4) end destabilizing activities that undermine democratic governance and constitutional order in Venezuela.

(e) WAIVER.—

(1) TEMPORARY GENERAL WAIVER.—If the Secretary of State certifies under subsection (d) that the Government of Cuba is taking effective steps as described in that subsection, the President may waive the imposition of sanctions under subsection (b) for a period of not more than one year beginning on the date of the certification.

(2) CASE BY CASE WAIVER.—The President may waive the application of sanctions under subsection (b) with respect to a person if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) not later than the date on which the waiver takes effect, submits to the appropriate congressional committees a notice of and justification for the waiver.

(f) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(g) TERMINATION.—This section shall terminate on December 31, 2023.

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SA 2788. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2838. CONSOLIDATION OF JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) MOVEMENT OR CONSOLIDATION OF JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.—Except as provided under subsection (b), not later than September 30, 2020, the Secretary of Defense shall take appropriate actions to move, consolidate, or both, the offices of the Joint Spectrum Center to the Defense Information Systems Agency headquarters building at Fort Meade, Maryland, for national security purposes to ensure the physical and cybersecurity protection of personnel and missions of the Department of Defense.

(b) NATIONAL SECURITY WAIVER.—The Secretary of Defense may waive the requirement under subsection (a) upon certifying to the congressional defense committees in writing that such waiver is necessary for national security reasons and that all force protection and cyber protection needs are being met without carrying out the actions otherwise required under such subsection.

(c) AUTHORIZATION.—Any facility, road, or infrastructure constructed or altered on a military installation as a result of this section is deemed to be authorized in accordance with section 2802 of title 10, United States Code.

(d) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated.

(e) REPEAL OF OBSOLETE AUTHORITY.—Section 2887 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 569) is hereby repealed.

SA 2789. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2838. CONSOLIDATION OF JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) MOVEMENT OR CONSOLIDATION OF JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.—Not later than September 30, 2020, the Secretary of Defense shall take appropriate actions to move, consolidate, or both, the offices of the Joint Spectrum Center to the Defense Information Systems Agency headquarters building at Fort Meade, Maryland, for national security purposes to ensure the physical and cybersecurity protection of personnel and missions of the Department of Defense.

(b) AUTHORIZATION.—Any facility, road, or infrastructure constructed or altered on a military installation as a result of this section is deemed to be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated.

(d) REPEAL OF OBSOLETE AUTHORITY.—Section 2887 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 569) is hereby repealed.

SA 2790. Mr. CARDIN (for himself, Mr. HATCH, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 943. REPORT ON TERMINATION AND TRANSITION OF FUNCTIONS AND SERVICES OF THE DEFENSE INFORMATION SYSTEMS AGENCY AND WASHINGTON HEADQUARTERS SERVICES.

(a) REPORT REQUIRED BEFORE TERMINATION OR TRANSITION.—The Secretary of Defense may not terminate or transfer any functions or services of the Defense Information Systems Agency or Washington Headquarters Services to another element of the Department of Defense until the Secretary submits to the congressional defense committees a report on the termination or transfer.

(b) ELEMENTS.—The report on the termination or transfer of functions or services of the Defense Information Systems Agency or Washington Headquarters Services under subsection (a) shall include the following:

(1) A description of the functions, services, or both of such Agency or Field Activity to be terminated or transferred.

(2) If functions, services, or both are to be transferred, a description of the element or elements of the Department to which such functions or services are to be transferred.

(3) A description of disposition of the remaining functions or services of such Agency or Field Activity, if any, after termination or transfer.

(4) A comprehensive assessment of the impact of the actions described in paragraphs (1) through (3).

SA 2791. Mr. CARDIN (for himself, Mr. MCCAIN, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Matters Relating to Burma

SEC. 1281. FINDINGS.

Congress makes the following findings:

(1) The United States policy of principled engagement since 1988 has fostered positive democratic reforms in Burma, which have led to significant milestones on the path to full democracy.

(2) On November 8, 2015, Burma held historic elections in which the National League for Democracy won a supermajority of seats in the combined national parliament. On March 30, 2016, Htin Kyaw was inaugurated as the President of Burma, the country's first civilian President in more than 50 years. Aung San Suu Kyi, President of the National League for Democracy, was barred from becoming President due to the provisions of section 59(f) of the 2008 Constitution, and therefore assumed the office of State Counsellor, a position created for her that made her the country's de facto leader.

(3) Aung San Suu Kyi's first acts as State Counsellor after her National League for Democracy party took office included releasing more than 100 political prisoners, including well-known journalists and student activists held on politically motivated charges. However, as of November 2017, there were 228 political prisoners in Burma, 46 of which were serving prison sentences, 49 of which were awaiting trial inside prison, and 133 of which were awaiting trial outside prison, according to the Assistance Association for Political Prisoners.

(4) The Government of Burma also continues to systematically discriminate against the Rohingya people. Burma's 1982 citizenship law stripped Rohingya Burmese of their Burmese citizenship, rendering them stateless, and the Government continues to restrict Rohingya births and to deny the Rohingya freedom of movement and access to healthcare, land, education, voting, political participation, and marriage.

(5) Despite the meaningful steps taken toward democracy in Burma, there remain important structural and systemic impediments to the realization of a fully democratic civilian government, including—

(A) the 2008 Constitution, which is in need of reform;

(B) the disfranchisement of certain groups who voted in previous elections;

(C) the social, political, and economic conditions in Rakhine State, particularly with respect to the Rohingya population; and

(D) the current humanitarian and human rights crisis affecting Burma's Rohingya population and residents of the Rakhine, Kachin, and Shan states, including credible reports of ethnic cleansing, crimes against humanity, extrajudicial killings, sexual and gender-based violence, and forced displacement.

(6) Actions of the military of Burma, known as the Tatmadaw, including continuing assaults on personnel and territory controlled by armed ethnic organizations, military offensives immediately preceding the peace conference in Naypyitaw, and human rights violations against noncombatant civilians in conflict areas, undermine confidence in establishing a credible nationwide ceasefire agreement to end Burma's civil war.

(7) The people of Burma continue to suffer from an ongoing civil war between the Tatmadaw and nearly 20 armed ethnic organizations. Any prospects for a full democracy in Burma are contingent on ending the civil war and finding a path toward national reconciliation between Burma's Bamar majority and its various ethnic minorities.

(8) Since 2011, over 98,000 people have been displaced in Kachin and northern Shan State over the escalating violence and instability, resulting in continued massive internal displacement, including in internally displaced person (IDP) camps, which continues to undermine the trust necessary to achieve a durable, lasting peace, and has caused a massive humanitarian crisis which disproportionately affects the lives of innocent civilians and internally displaced persons forced from their homes. According to the United Nations Office for the Coordination of Humanitarian Affairs, some 50 percent of these displaced persons are staying in areas beyond Government control where humanitarian access is limited. Even in areas controlled by the Government, delivery of humanitarian assistance has been increasingly restricted through onerous bureaucratic requirements resulting in limited access by international and local humanitarian organizations.

(9) In 2015, the nongovernmental campaign Global Witness found that, in 2014, the estimated value of official production of jade equated to up to 48 percent of the official gross domestic product of Burma. Because of corruption and a lack of transparency, much of the proceeds of the Burmese jade trade enrich notorious leaders from the military junta, including former dictator Than Shwe and United States-sanctioned drug lord Hsueh Kang Wei, and vested interests in jade are undermining prospects for resolving the most intractable armed conflict in Burma.

(10) On August 31, 2016, State Counsellor Aung San Suu Kyi and the Government of Burma initiated the Union Peace Conference 21st Century Panglong in Naypyitaw, which more than 1,400 representatives of various concerned parties attended in an effort to begin the process of ending Burma's civil war and to discuss options in forming a democratic state of Burma. On May 24, 2017, the Government of Burma held a second Panglong Peace Conference, with mixed results.

(11) On January 4, 2018, the Department of State determined that Burma remains designated as a country of particular concern for religious freedom under section 402(b) of the International Religious Freedom Act (22 U.S.C. 6442(b)), and that ''members of the Rohingya community in particular face abuses by the Government of Burma, including those involving torture, unlawful arrest and detention, restricted movement, restrictions on religious practices, discrimination in employment, and access to social services''.

(12) The February 2017 panels set up by the Burmese army and the Home Affairs Ministry are widely perceived by the international community to lack independence and impartiality. The December 2016 commission established by Burma's President

Htin Kyaw to investigate the October 2016 attacks dismissed claims of misconduct by security forces due to ''insufficient evidence.'' A Burmese army internal inquiry completed in November 2017 claimed there had been no abuses committed by the military. The 2012 commission government established to investigate violence in Rakhine State that year never held anyone accountable.

(13) In a public address on October 12, 2017, State Counsellor Aung San Suu Kyi laid out 3 goals for the Rakhine State:

(A) Repatriation of those who have crossed over to Bangladesh and effective provision of humanitarian assistance.

(B) Resettlement of displaced populations.

(C) Economic development and durable peace.

(14) According to the Médecins Sans Frontières estimates, at least 6,700 Rohingya have been killed, including 730 children, and that at least 2,700 others died from disease and malnutrition and over an estimated 680,000 Rohingya have fled to Bangladesh since August 2017, fearing loss of livelihood and shelter and disproportionate use of force by the military of Burma.

(15) On October 23, 2017, the Department of State said, ''We express our gravest concern with recent events in Rakhine State and the violent, traumatic abuses Rohingya and other communities have endured. It is imperative that any individuals or entities responsible for atrocities, including non-state actors and vigilantes, be held accountable.''.

(16) At a Senate Foreign Relations Committee hearing on October 24, 2017, the Department of State indicated that ''refugees continue to cross into Bangladesh, and we continue to receive credible reports of sporadic violence in northern Rakhine State''.

(17) Amnesty International and Human Rights Watch have reported and documented a campaign of violence perpetuated by the security forces of Burma that ''may amount to crimes against humanity'' and ''ethnic cleansing'' and includes—

(A) indiscriminate attacks on civilians;

(B) rape of women and girls; and

(C) arbitrary arrest and detention of Rohingya men without charge.

(18) According to Human Rights Watch, Burmese security forces have committed widespread rape against women and girls as part of a campaign of ethnic cleansing against Rohingya Muslims in Burma's Rakhine State. Survivors said that soldiers gathered them together in groups and then raped or gang raped them.

(19) Because survivors of conflict-related sexual or gender-based violence know very little about the abusers, aside from identifying the abuser as a member of a military unit, existing laws and accountability mechanisms often fail to protect victims of such violence.

(20) Satellite images captured by Human Rights Watch reveal that, out of the approximately 470 villages in northern Rakhine State, most of which were completely or partially populated with Rohingya Muslims, nearly 300 were partially or completely destroyed by fire after August 25, 2017.

(21) The Government of Burma has continued to block access to northern Rakhine State by United Nations and other humanitarian organizations, preventing hundreds of thousands of vulnerable Rohingya, Rahkine, and other ethnic groups, including children with acute malnutrition, from receiving humanitarian aid. According to a report by the United Nations Children's Fund, a diphtheria outbreak has led to 424 cases and 6 deaths since December 6, 2017. In addition, the levels of global acute malnutrition in refugees from Burma exceeds the World Health Organization's threshold by 15 percent in children aged 6–59 months. Over 50 percent of the Rohingya children are reported to be suffering from anemia.

(22) In response to previous violence between the Burmese military and the ethnic Rohingya people in 2016, Aung San Suu Kyi established the Advisory Commission on Rakhine State headed by former United Nations Secretary-General Kofi Annan to address tensions in Northern Rakhine. She has since also endorsed the Commission's recommendations and established an ''Advisory Team for the Committee for the Implementation of Recommendations on Rakhine State'' to move forward with implementation.

(23) On December 21, 2017, using the authority granted by the Global Magnitsky Human Rights Accountability Act (subtitle F of title XII of Public Law 114–328), the President imposed sanctions on Maung Maung Soe, a Major General who was the chief of the Burmese Army's Western command during the August 2017 attack in Rakhine state.

(24) On November 22, 2017, Secretary of State Rex Tillerson stated, ''After careful and through analysis of available facts, it is clear that the situation in northern Rakhine state constitutes ethnic cleansing against the Rohingya. Those responsible for these atrocities must be held accountable.''.

(25) Ethnic cleansing is a despicable evil, and while it is not an independent crime under domestic or international law, it is often accomplished through acts that constitute war crimes, crimes against humanity, or genocide, and the perpetrators of such crimes in Burma must be held accountable.

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) GENOCIDE.—The term ''genocide'' means any offense described in section 1091(a) of title 18, United States Code.

(3) HYBRID TRIBUNAL.—The term ''hybrid tribunal'' means a temporary criminal tribunal that involves a combination of domestic and international lawyers, judges, and other professionals to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide.

(4) TRANSITIONAL JUSTICE.—The term ''transitional justice'' means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes—

(A) to redress legacies of atrocities; and

(B) to promote long-term, sustainable peace.

(5) WAR CRIME.—The term ''war crime'' has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 1283. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) the pursuit of a calibrated engagement strategy is essential to support the establishment of a peaceful, prosperous, and democratic Burma that includes respect for the human rights of all its people regardless of ethnicity and religion; and

(2) the guiding principles of such a strategy include—

(A) support for meaningful legal and constitutional reforms that remove remaining restrictions on civil and political rights and institute civilian control of the military, civilian control of the government, and the constitutional provision reserving 25 percent of parliamentary seats for the military, which provides the military with veto power over constitutional amendments;

(B) the establishment of a fully democratic, pluralistic, civilian controlled, and representative political system that includes regularized free and fair elections in which all people of Burma, including the Rohingya, can vote;

(C) the promotion of genuine national reconciliation and conclusion of a credible and sustainable nationwide ceasefire agreement, political accommodation of the needs of ethnic Shan, Kachin, Chin, Karen, and other ethnic groups, safe and voluntary return of displaced persons to villages of origins, and constitutional change allowing inclusive permanent peace;

(D) investigations into credible reports of ethnic cleansing, crimes against humanity, sexual and gender-based violence, and genocide perpetrated against ethnic minorities like the Rohingya by the government, military, and security forces of Burma, violent extremist groups, and other combatants involved in the conflict;

(E) accountability for determinations of ethnic cleansing, crimes against humanity, sexual and gender-based violence, and genocide perpetrated against ethnic minorities like the Rohingya by the Government, military, and security forces of Burma, violent extremist groups, and other combatants involved in the conflict;

(F) strengthening the government's civilian institutions, including support for greater transparency and accountability;

(G) the establishment of professional and nonpartisan military, security, and police forces that operate under civilian control;

(H) empowering local communities, civil society, and independent media;

(I) promoting responsible international and regional engagement;

(J) strengthening respect for and protection of human rights and religious freedom;

(K) addressing and ending the humanitarian and human rights crisis, including by supporting the return of the displaced Rohingya to their homes and providing equal access to restoration of full citizenship for the Rohingya population; and

(L) promoting broad-based, inclusive economic development and fostering healthy and resilient communities.

SEC. 1284. AUTHORIZATION OF HUMANITARIAN ASSISTANCE AND RECONCILIATION.

(a) HUMANITARIAN ASSISTANCE.—

(1) IN GENERAL.—There is authorized to be appropriated $103,695,069 for fiscal year 2018 for humanitarian assistance for Burma, Bangladesh, and the region. The assistance may include—

(A) assistance for the victims of the Burmese military's ethnic cleansing campaign targeting Rohingya in Rakhine State, including those displaced in Bangladesh, Burma, and the region;

(B) support for voluntary resettlement or repatriation efforts regionally; and

(C) humanitarian assistance to victims of violence and destruction in Rakhine State, including victims of gender-based violence and unaccompanied minors.

(2) SENSE OF CONGRESS ON ADDITIONAL FUNDING.—It is the sense of Congress that additional significant and sustained funding will be necessary to address the medium and long-term impacts of this crisis.

(b) RECONCILIATION PROGRAMS.—There is authorized to be appropriated $27,400,000 for fiscal year 2018 for reconciliation programs in Burma. The assistance may include—

(1) reducing the influence of the drivers of intercommunal conflict;

(2) strengthening engagement on areas affecting fundamental freedoms;

(3) enhancing the ability of key stakeholders to engage in the peace process; and

(4) assisting the implementation of the Kofi Annan Commission report.

SEC. 1285. MULTILATERAL ASSISTANCE.

The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Burma that—

(1) provide for accountability and transparency, including the collection, verification and publication of beneficial ownership information related to extractive industries and on-site monitoring during the life of the project;

(2) will be developed and carried out in accordance with best practices regarding environmental conservation, cultural protection, and empowerment of local populations, including free, prior, and informed consent of affected indigenous communities;

(3) do not provide incentives for, or facilitate, forced displacement; and

(4) do not partner with or otherwise involve enterprises owned or controlled by the armed forces.

SEC. 1286. SENSE OF CONGRESS ON RIGHT OF RETURNEES AND FREEDOM OF MOVEMENT.

(a) RIGHT OF RETURN.—It is the sense of Congress that the Government of Burma, in collaboration with the regional and international community, including the United Nations High Commissioner for Refugees, should—

(1) ensure the dignified, safe, and voluntary return of all those displaced from their homes, especially from Rakhine State, without an unduly high burden of proof;

(2) offer to those who do not want to return meaningful opportunity to obtain appropriate compensation or restitution;

(3) not place returning Rohingya in DP camps or ''model villages'', but instead make efforts to reconstruct Rohingya villages as and where they were;

(4) keep any funds collected by the Government by harvesting the land previously owned and tended by Rohingya farmers for them upon their return; and

(5) fully implement all of the recommendations of the Advisory Commission on Rakhine State.

(b) FREEDOM OF MOVEMENT OF REFUGEES AND INTERNALLY DISPLACED PERSONS.—Congress recognizes that the Government of Bangladesh has provided long-standing support and hospitality to people fleeing violence in Burma, and calls on the Government of Bangladesh—

(1) to ensure all refugees have freedom of movement and under no circumstance are subject to unsafe, involuntary, or uninformed repatriation; and

(2) to ensure the dignified, safe, and voluntary return of those displaced from their homes, and offer to those who do not want to return meaningful means to obtain compensation or restitution.

SEC. 1287. MILITARY COOPERATION.

(a) PROHIBITION.—Except as provided under subsection (b), the President may not furnish any security assistance or to engage in any military-to-military programs with the armed forces of Burma, including training or observation or participation in regional exercises, until the Secretary of State, in consultation with the Secretary of Defense, certifies to the appropriate congressional committees that the Burmese military has demonstrated significant progress in abiding by international human rights standards and is undertaking meaningful and significant security sector reform, including transparency and accountability to prevent future abuses, as determined by applying the following criteria:

(1) The military adheres to international human rights standards and pledges to stop future human rights violations.

(2) The military supports efforts to carry out meaningful and comprehensive investigations of credible reports of abuses and is taking steps to hold accountable those in the Burmese military responsible for human rights violations.

(3) The military supports efforts to carry out meaningful and comprehensive investigations of reports of conflict-related sexual and gender-based violence and is taking steps to hold accountable those in the Burmese military who failed to prevent, respond to, investigate, and prosecute violence against women, sexual violence, or other gender-based violence.

(4) The Government of Burma, including the military, allows immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya communities in Rakhine State.

(5) The Government of Burma, including the military, cooperates with the United Nations High Commissioner for Refugees and other relevant United Nations agencies to ensure the protection of displaced persons and the safe and voluntary return of Rohingya refugees and internally displaced persons.

(6) The Government of Burma, including the military, takes steps toward the implementation of the recommendations of the Advisory Commission on Rakhine State.

(b) EXCEPTIONS.—

(1) CERTAIN EXISTING AUTHORITIES.—The Department of Defense may continue to conduct consultations based on the authorities under section 1253 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 22 U.S.C. 2151 note).

(2) HOSPITALITY.—The United States Agency for International Development and the Department of State may provide assistance authorized by part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to support ethnic armed groups and the Burmese military for the purpose of supporting research, dialogues, meetings, and other activities related to the Union Peace Conference, Political Dialogues, and related processes, in furtherance of inclusive, sustainable reconciliation.

(c) MILITARY REFORM.—The certification required under subsection (a) shall include a written justification in classified and unclassified form describing the Burmese military's efforts to implement reforms, end impunity for human rights violations, and increase transparency and accountability.

(d) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize Department of Defense assistance to the Government of Burma except as provided in this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subtitle, and every 180 days thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the strategy and plans for military-to-military engagement between the United States Armed Forces and the military of Burma.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description and assessment of the Government of Burma's strategy for security sector reform, including as it relates to an end to involvement in the illicit trade in jade and other natural resources, reforms to end corruption and illicit drug trafficking, and constitutional reforms to ensure civilian control of the Government.

(B) A list of ongoing military activities conducted by the United States Government with the Government of Burma, and a description of the United States strategy for future military-to-military engagements between the United States and Burma's military forces, including the military of Burma, the Burma Police Force, and armed ethnic groups.

(C) An assessment of the progress of the military of Burma towards developing a framework to implement human rights reforms, including—

(i) cooperation with civilian authorities to investigate and prosecute cases of human rights violations;

(ii) steps taken to demonstrate respect for internationally-recognized human rights standards and implementation of and adherence to the laws of war; and

(iii) a description of the elements of the military-to-military engagement between the United States and Burma that promote such implementation.

(D) An assessment of progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including actions taken by the military of Burma to adhere to ceasefire agreements, allow for safe and voluntary returns of displaced persons to their villages of origin, and withdraw forces from conflict zones.

(E) An assessment of the Burmese's military recruitment and use of children as soldiers.

(F) An assessment of the Burmese's military's use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

(f) CIVILIAN CHANNELS.—Any program initiated under this section shall use appropriate civilian government channels with the democratically elected Government of Burma.

(g) REGULAR CONSULTATIONS.—Any new program or activity in Burma initiated under this section shall be subject to prior consultation with the appropriate congressional committees.

SEC. 1288. VISA BAN AND ECONOMIC SANCTIONS WITH RESPECT TO MILITARY OFFICIALS RESPONSIBLE FOR HUMAN RIGHTS VIOLATIONS.

(a) LIST REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of senior officials of the military and security forces of Burma that the President determines have knowingly played a direct and significant role in the commission of human rights violations in Burma, including against the Rohingya minority population.

(2) INCLUSIONS.—The list required by paragraph (1) shall include all of the senior officials of the military and security forces of Burma—

(A) in charge of each unit that was operational during the so-called ''clearance operations'' that began during or after October 2016; and

(B) who knew, or should have known, that the official's subordinates were committing sexual or gender-based violence and failed to take adequate steps to prevent such violence or punish the individuals responsible for such violence.

(3) UPDATES.—Not less frequently than every 180 days, the President shall submit to the appropriate congressional committees an updated version of the list required by paragraph (1).

(b) SANCTIONS.—

(1) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United

States, any individual included in the most recent list required subsection (a).

(2) LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall—

(i) determine whether the individuals specified in subparagraph (B) should be included on the SDN list; and

(ii) submit to the appropriate congressional committees a report, in classified form if necessary, on the procedures for including those individuals on the SDN list under existing authorities of the Department of the Treasury.

(B) INDIVIDUALS SPECIFIED.—The individuals specified in this subparagraph are—

(i) the head of each unit of the military or security forces of Burma that was operational during the so-called ''clearance operations'' that began during or after October 2016, including—

(I) Senior General Min Aung Hlaing; and

(II) Major General Khin Maung Soe;

(ii) any senior official of the military or security forces of Burma for which the President determines there are credible reports that the official has aided, participated, or is otherwise implicated in gross human rights violations in Burma, including sexual and ethnic- or gender-based violence; and

(iii) any senior official of the military or security forces of Burma for which the President determines there are credible reports that the official knew, or should have known, that the official's subordinates were committing sexual or gender-based violence and failed to take adequate steps to prevent such violence or punish the individuals responsible for such violence.

(3) AUTHORITY FOR ADDITIONAL FINANCIAL SANCTIONS.—The Secretary of the Treasury may, in consultation with the Secretary of State, prohibit or impose strict conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution that is a United States person, for or on behalf of a foreign financial institution, if the Secretary determines that the account is knowingly used—

(A) by a foreign financial institution that knowingly holds property or an interest in property of an individual included on the SDN list pursuant to paragraph (2); or

(B) to conduct a significant transaction on behalf of such an individual.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit any contract or other financial transaction by a United States person with a credible nongovernmental humanitarian organization in Burma.

(c) REMOVAL FROM LIST.—The President may remove an individual from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees that—

(1) the individual has—

(A) publicly acknowledged the role of the individual in committing past human rights violations;

(B) cooperated with independent efforts to investigate such violations;

(C) been held accountable for such violations; and

(D) demonstrated substantial progress in reforming the individual's behavior with respect to the protection of human rights in the conduct of civil-military relations; and

(2) removing the individual from the list is in the national interest of the United States.

(d) EXCEPTIONS.—

(1) HUMANITARIAN ASSISTANCE.—A requirement to impose sanctions under this section shall not apply with respect to the provision of medicine, medical equipment or supplies, food, or any other form of humanitarian or human rights-related assistance provided to Burma in response to a humanitarian crisis.

(2) UNITED NATIONS HEADQUARTERS AGREEMENT.—Subsection (b)(1) shall not apply to the admission of an individual to the United States if such admission is necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other international obligations of the United States.

(e) WAIVER.—The President may waive a requirement of this section if the Secretary of State, in consultation with the Secretary of the Treasury, determines and reports to the appropriate congressional committees that the waiver is important to the national security interests of the United States.

(f) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of paragraph (2) or (3) of subsection (b) or any regulation, license, or order issued to carry out either such paragraph shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(3) RULE OF CONSTRUCTION.—This subsection shall not be construed to require the President to declare a national emergency under section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701).

(g) DEFINITIONS.—In this section:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 5312 of title 31, United States Code.

(3) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) SDN LIST.—The term ''SDN list'' means the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(5) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 1289. STRATEGY FOR PROMOTING ECONOMIC DEVELOPMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, the Secretary of the Treasury, and the Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees a strategy to support sustainable and broad-based economic development, in accordance with the priorities of the Government of Burma to improve economic conditions.

(b) ELEMENTS.—In order to support the efforts of the Government of Burma, the strategy required by subsection (a) shall include a plan to promote inclusive and responsible economic growth, including through the following initiatives:

(1) Develop an economic reform road-map to diversify control over and access to participation in key industries and sectors. The United States Government should support the Government of Burma to develop a road-map to assess and recommend measures to remove barriers and increase competition, access and opportunity in sectors dominated by the military, former military officials, and their families, and businesspeople connected to the military. The roadmap should include areas related to government transparency, accountability, and governance.

(2) Increase transparency disclosure requirements in key sectors to promote responsible investment. Provide technical support to develop and implement policies, and revise existing policies on public disclosure of beneficial owners of companies in key sectors identified by the Government of Burma, including the identities of those seeking or securing access to Burma's most valuable resources. In the ruby industry, this specifically includes working with the Government of Burma to require the disclosure of the ultimate beneficial ownership of entities in the industry and the publication of project revenues, payments, and contract terms relating to the industry. Such new requirements should complement disclosures due to be put in place in Burma as a result of its participation in the Extractives Industry Transparency Initiative (EITI).

(3) Promote universal access to reliable, affordable, energy efficient, and sustainable power, including leveraging United States assistance to support reforms in the power sector and electrification projects that increase energy access, in partnership with multilateral organizations and the private sector.

SEC. 1290. REPORT ON ETHNIC CLEANSING AND SERIOUS HUMAN RIGHTS ABUSES IN BURMA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report detailing the credible reports of ethnic cleansing and serious human rights abuses committed against the Rohingya in Burma, including credible reports of war crimes, crimes against humanity, and genocide, and on potential transnational justice mechanisms in Burma.

(b) ELEMENTS.—The reports required under subsection (a) shall include—

(1) a description of credible reports of ethnic cleaning and serious human rights abuses perpetrated against the Rohingya ethnic minority in Burma, including—

(A) incidents that may constitute ethnic cleansing, crimes against humanity, sexual and gender-based violence, and genocide committed by the Burmese military, and other actors involved in the violence;

(B) incidents that may constitute ethnic cleansing, crimes against humanity, sexual and gender-based violence, or genocide committed by violent extremist groups or antigovernment forces;

(C) any incidents that may violate the principle of medical neutrality and, if possible, identification of the individual or individuals who engaged in or organized such incidents; and

(D) to the extent possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons;

(2) a description and assessment by the Department of State, the United States Agency for International Development, the Department of Justice, and other appropriate Federal departments and agencies of programs that the United States Government has already or is planning to undertake to ensure accountability for credible reports of ethnic cleansing and reports of war crimes, crimes against humanity, sexual and gender-based violence, and genocide perpetrated against the Rohingya and other ethnic minority groups by the Government, security forces, and military of Burma, violent extremist groups, and other combatants involved in the conflict, including programs—

(A) to train investigators within and outside of Burma and Bangladesh on how to document, investigate, develop findings of, and identify and locate alleged perpetrators of ethnic cleansing, crimes against humanity, or genocide in Burma;

(B) to promote and prepare for a transitional justice process or processes for the perpetrators of ethnic cleansing, crimes against humanity, and genocide in Burma; and

(C) to document, collect, preserve, and protect evidence of reports of ethnic cleansing, crimes against humanity, and genocide in Burma, including support for Burmese and Bangladeshi, foreign, and international nongovernmental organizations, the United Nations Human Rights Council's investigative team, and other entities; and

(3) A detailed study of the feasibility and desirability of potential transitional justice mechanisms for Burma, including a hybrid tribunal, and recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be offered.

(c) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a manner that might place such persons at risk of harm or encourage the destruction of evidence by the Government of Burma.

SEC. 1291. TECHNICAL ASSISTANCE AUTHORIZED.

(a) IN GENERAL.—The Secretary of State, in consultation with the Department of Justice and other appropriate Federal departments and agencies, is authorized to provide appropriate assistance to support entities that, with respect to credible reports of ethnic cleansing, crimes against humanity, and genocide perpetrated by the military, security forces, and Government of Burma, Buddhist militias, and all other armed groups fighting in Rakhine State—

(1) identify suspected perpetrators of ethnic cleansing, war crimes, crimes against humanity, and genocide;

(2) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

(3) conduct criminal investigations; and

(4) support investigations by third-party states, as appropriate.

(b) ADDITIONAL ASSISTANCE.—The Secretary of State, after consultation with appropriate Federal departments and agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under section 1290(b)(3), is authorized to provide assistance to support the creation and operation of transitional justice mechanisms for Burma.

SEC. 1292. SENSE OF CONGRESS ON PRESS FREEDOM.

In order to promote freedom of the press in Burma, it is the sense of Congress that—

(1) Wa Lone and Kyaw Soe Oo should be immediately released and should have access to lawyers and their families; and

(2) the decision to use a colonial-era law to arrest these Reuters reporters undermines press freedom around the world and further underscores the need for serious legal reform.

SEC. 1293. MEASURES RELATING TO MILITARY COOPERATION BETWEEN BURMA AND NORTH KOREA.

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President may, with respect to any person described in paragraph (2)—

(A) impose the sanctions described in paragraph (1) or (3) of section 1288(b); or

(B) include that person on the SDN list (as defined in section 1288(g)).

(2) PERSONS DESCRIBED.—A person described in this paragraph is an official of the Government of Burma or an individual or entity acting on behalf of that Government that the President determines purchases or otherwise acquires defense articles from the Government of North Korea or an individual or entity acting on behalf of that Government.

(b) RESTRICTION ON FOREIGN ASSISTANCE.—The President may terminate or reduce the provision of United States foreign assistance to Burma if the President determines that the Government of Burma does not verifiably and irreversibly eliminate all purchases or other acquisitions of defense articles by persons described in subsection (a)(2) from the Government of North Korea or individuals or entities acting on behalf of that Government.

(c) DEFENSE ARTICLE DEFINED.—In this section, the term ''defense article'' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SEC. 1294. NO AUTHORIZATION FOR THE USE OF MILITARY FORCE.

Nothing in this subtitle shall be construed as an authorization for the use of force.

SA 2792. Mr. INHOFE (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1250. SENSE OF SENATE ON INCORPORATION OF NON-NUCLEAR NAVAL PROPULSION AND TECHNOLOGY SYSTEMS MANUFACTURED IN THE UNITED STATES INTO THE NAVAL VESSELS OF UNITED STATES ALLIES IN THE INDO-PACIFIC REGION.

It is the sense of the Senate that, consistent with the Conventional Arms Transfer Policy of the United States Government recently updated to promote policies that strengthen our allies and partners around the world and preserve peace while creating American manufacturing jobs—

(1) it is in the interest of the United States that non-nuclear naval propulsion and technology systems manufactured in the United States be incorporated into warships of navies of close allies of the United States, including Australia, Canada, India, South Korea, Taiwan, and other countries pursuing the modernization of their fleets; and

(2) naval cooperation arising from the incorporation of such systems into such warships will—

(A) help guarantee interoperability and commonality of warfighting systems between the United States and our allies in the Indo-Pacific region; and

(B) promote the expansion of the dynamism and innovation of the defense industry manufacturing supply chain in the United States.

SA 2793. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 316. CORE SAMPLING STUDY AND REPORT AT JOINT BASE SAN ANTONIO, TEXAS.

(a) SITE INVESTIGATION REQUIRED.—The Secretary of the Air Force shall conduct a core sampling study along an agreed upon route between the Air Force and San Antonio Water System of the wastewater treatment line on Air Force real property, in compliance with best engineering practices, to determine if any regulated or hazardous substances are present in the soil along an agreed upon route.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the agreement on the route, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the core samples taken pursuant to subsection (a).

SA 2794. Mr. SCOTT (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. _____. IMPORTANCE OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.

(a) INCREASE.—Funds authorized to be appropriated in Research, Development, Test, and Evaluation, Defense-wide, PE 0601228D8Z, section 4201, for Basic Research, Historically Black Colleges and Universities/ Minority Institutions, Line 006, are hereby increased by $10,000,000.

(b) OFFSET.—Funding in section 4101 for Other Procurement, Army, for Automated Data Processing Equipment, Line 112, is hereby reduced by $10,000,000.

SA 2795. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON THE INDEFINITE DETENTION OF PERSONS BY THE UNITED STATES.

(a) LIMITATION ON DETENTION.—Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) No person shall be imprisoned or otherwise detained by the United States except consistent with the Constitution.'';

(2) by redesignating subsection (b) as subsection (c); and

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

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a person apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of this paragraph.

''(3) This section shall not be construed to authorize the imprisonment or detention of any person who is apprehended in the United States.''.

(b) REPEAL OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 801 note) is repealed.

SA 2796. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title VIII, add the following:

SEC. 896. COMMERCIALIZATION ASSISTANCE PILOT PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(tt) COMMERCIALIZATION ASSISTANCE PILOT PROGRAMS.—

''(1) PILOT PROGRAMS IMPLEMENTED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this subsection, a covered agency shall implement a commercialization assistance pilot program under which an eligible entity may receive a subsequent Phase II SBIR award.

''(B) EXCEPTION.—If the Administrator determines that a covered agency has a program that is sufficiently similar to the commercialization assistance pilot program established under this subsection, the covered agency shall not be required to implement a commercialization assistance pilot program under this subsection.

''(2) PERCENT OF AGENCY FUNDS.—The head of each covered agency may allocate not more than 5 percent of the funds allocated to the SBIR program of the covered agency for the purpose of making a subsequent Phase II SBIR award under the commercialization assistance pilot program.

''(3) TERMINATION.—A commercialization assistance pilot program established under this subsection shall terminate on September 30, 2022.

''(4) APPLICATION.—To be selected to receive a subsequent Phase II SBIR award under a commercialization assistance pilot program, an eligible entity shall submit to the covered agency implementing the pilot program an application at such time, in such manner, and containing such information as the covered agency may require, including—

''(A) an updated Phase II commercialization plan; and

''(B) the source and amount of the matching funding required under paragraph (5).

''(5) MATCHING FUNDING.—

''(A) IN GENERAL.—The Administrator shall require, as a condition of any subsequent Phase II SBIR award made to an eligible entity under this subsection, that a matching amount (excluding any fees collected by the eligible entity receiving the award) equal to the amount of the award be provided from an eligible third party investor.

''(B) INELIGIBLE SOURCES.—An eligible entity may not use funding from ineligible sources to meet the matching requirement of subparagraph (A).

''(C) EXCEPTION.—The Administrator shall not require, as a condition of any subsequent Phase II SBIR award made to an eligible entity under this subsection, a matching amount if the eligible entity is located in an underperforming State.

''(6) AWARD.—A subsequent Phase II SBIR award made to an eligible entity under this subsection—

''(A) may not exceed the limitation described under subsection (aa)(1); and

''(B) shall be disbursed during Phase II.

''(7) USE OF FUNDS.—The funds awarded to an eligible entity under this subsection may only be used for research and development activities that build on Phase II program of the eligible entity's and ensure the research funded under that Phase II is rapidly progressing towards commercialization.

''(8) SELECTION.—In selecting eligible entities to participate in a commercialization assistance pilot program under this subsection, the head of a covered agency shall consider—

''(A) the extent to which the award could aid the eligible entity in commercializing the research funded under the Phase II program of the eligible entity;

''(B) whether the updated Phase II commercialization plan submitted under paragraph (4) provides a sound approach for establishing technical feasibility that could lead to commercialization of the research;

''(C) whether the proposed activities to be conducted under the updated Phase II commercialization plan further improve the likelihood that the research will provide societal benefits;

''(D) whether the small business concern has progressed satisfactorily in Phase II to justify receipt of a subsequent Phase II SBIR award;

''(E) the expectations of the eligible third party investor that provides matching funding under paragraph (5); and

''(F) the likelihood that the proposed activities to be conducted under the updated Phase II commercialization plan using matching funding provided by the eligible third party investor will lead to commercial and societal benefit.

''(9) EVALUATION REPORT.—Not later than 3 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives a report including—

''(A) a summary of the activities of commercialization assistance pilot programs carried out under this subsection;

''(B) a detailed compilation of results achieved by those commercialization assistance pilot programs, including the number of eligible entities that received awards under those programs;

''(C) the rate at which each eligible entity that received a subsequent Phase II SBIR award under this subsection commercialized research of the recipient;

''(D) the growth in employment and revenue of eligible entities that is attributable to participation in a commercialization assistance pilot program;

''(E) a comparison of commercialization success of eligible entities participating in a commercialization assistance pilot program with recipients of an additional Phase II SBIR award under subsection (ff);

''(F) demographic information, such as ethnicity and geographic location, of eligible entities participating in a commercialization assistance pilot program;

''(G) an accounting of the funds used at each covered agency that implements a commercialization assistance pilot program under this subsection;

''(H) the amount of matching funding provided by eligible third party investors, set forth separately by source of funding;

''(I) an analysis of the effectiveness of the commercialization assistance pilot program implemented by each covered agency; and

''(J) recommendations for improvements to the commercialization assistance pilot program.

''(10) DEFINITIONS.—For purposes of this subsection:

''(A) COVERED AGENCY.—The term 'covered agency' means a Federal agency required to have an SBIR program.

''(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a small business concern that has received a Phase II award under an SBIR program and an additional Phase II SBIR award under subsection (ff) from the covered agency to which the small business concern is applying for a subsequent Phase II SBIR award.

''(C) ELIGIBLE THIRD PARTY INVESTOR.—The term 'eligible third party investor' means a small business concern other than an eligible entity, a venture capital firm, an individual investor, a non-SBIR Federal, State or local government, or any combination thereof.

''(D) INELIGIBLE SOURCES.—The term 'ineligible sources' means the following:

''(i) The internal research and development funds of the eligible entity.

''(ii) Funding in forms other than cash, such as in-kind or other intangible assets.

''(iii) Funding from the owners of the eligible entity, or the family members or affiliates of those owners.

''(iv) Funding attained through loans or other forms of debt obligations.

''(E) SUBSEQUENT PHASE II SBIR AWARD.—The term 'subsequent Phase II SBIR award' means an award granted to an eligible entity under this subsection to carry out further commercialization activities for research conducted pursuant to an SBIR program.

''(F) UNDERPERFORMING STATE.—The term 'underperforming State' means any State

participating in the SBIR program that is in the bottom 50 percent of all States historically receiving SBIR program funding.''.

SA 2797. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title VIII, add the following:

SEC. 896. ANNUAL LIST OF SBIR AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(tt) ANNUAL LIST OF LOW PARTICIPATION STATES.—Each Federal agency participating in the SBIR program shall submit to the appropriate committees of Congress (as defined in subsection (nn)(3)(C)) an annual report that includes, for the preceding 12-month period—

''(1) a list of the number of SBIR awards provided to small business concerns in each State; and

''(2) a plan to increase the number of SBIR awards provided to small business concerns located in the 10 States listed under paragraph (1) with the lowest number of SBIR awards.''.

SA 2798. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FOREIGN SOVEREIGN IMMUNITY.

Section 1605A(a)(2)(A)(i) of title 28, United States Code, is amended—

(1) in subclause (I), by striking ''or'' at the end;

(2) in subclause (II), by inserting ''or'' at the end; and

(3) by adding at the end the following:

''(III) the Department of State has otherwise determined the foreign state engages in a pattern or practice of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act if such act or provision of material support or resources is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment or agency (excluding acts of war).''.

SA 2799. Mr. CORNYN (for himself and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. _____. INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

(a) INITIATIVE REQUIRED.—The Secretary of Defense shall, in consultation with other appropriate government organizations, establish an initiative to work with academic institutions who perform defense research and engineering activities—

(1) to support protection of intellectual property, controlled information, key personnel, and information about critical technologies relevant to national security;

(2) to limit undue influence by countries engaged in illicit behaviors to exploit United States technology within the Department of Defense research, technology, and innovation enterprise; and

(3) to support efforts toward development of domestic talent in relevant scientific and engineering fields.

(b) INSTITUTIONS AND ORGANIZATIONS.—

(1) IN GENERAL.—The initiative required by subsection (a) shall be developed and executed to the maximum extent practicable with academic research institutions and other educational and research organizations.

(2) RECORD OF EXCELLENCE.—In selecting research institutions of higher education under this subsection, the Secretary shall prioritize selection of institutions of higher education that the Secretary determines demonstrate a record of excellence in industrial security and counterintelligence in academia and in research and development.

(c) REQUIREMENTS.—The initiative required by subsection (a) shall include development of the following:

(1) Information exchange forum and information repositories to enable awareness of security threats and influence operations being executed against the United States research, technology, and innovation enterprise.

(2) Training and other support for academic institutions to promote security and limit undue influence on institutions and personnel, including financial support for execution for such activities.

(3) Opportunities to collaborate with defense researchers and research organizations in secure facilities to promote protection of critical information.

(4) Regulations and procedures—

(A) for government and academic organizations and personnel to support the goals of the initiative; and

(B) that are consistent with policies that protect open and scientific exchange in fundamental research.

(5) Policies to limit or prohibit funding for institutions or individual researchers who knowingly and repeatedly violate regulations developed under the initiative.

(6) Initiatives to support the transition of the results of academic institution research programs into defense capabilities.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the activities carried out under the initiative required by subsection (a).

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the activities conducted and the progress made under the initiative.

(B) The findings of the Secretary with respect to the initiative.

(C) Such recommendations as the Secretary may have for legislative or administrative action relating to the matters described in subsection (a).

(D) Identification and discussion of the gaps in legal authorities that need to be improve to enhance the security of research institutions of higher education performing defense research.

(E) A description of the actions taken by such institutions to comply with such best practices and guidelines as may be established by under the initiative.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in both unclassified and classified formats, as appropriate.

(e) INSTITUTION OF HIGHER EDUCATION DEFINED.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SA 2800. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 823. ENHANCEMENT OF MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

Section 1704 of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 7104b) is amended by adding at the end the following new subsection:

''(e) SUPPLY CHAIN TRANSPARENCY.—

''(1) IN GENERAL.—To facilitate monitoring and investigation of human trafficking, the Office of Management and Budget shall ensure that the searchable public website established pursuant to the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282) includes the following information on Federal awards at each tier to both domestic and foreign awardees:

''(B) Notice of whether a contractor must provide a compliance plan to prevent human trafficking under section 1703 of the National Defense Authorization Act for Fiscal Year 2013 (22 U.S.C. 1704a).

''(C) Notice of whether the location of performance or production facilities is within a country ranked at tier 2 or tier 3 in the most recent Human Trafficking Report of the Department of State.

''(D) Additional information that facilitates monitoring and investigation of human trafficking.

''(2) PHASE-IN PERIOD FOR REPORTING SUBCONTRACTS AND SUBGRANTS.—Pursuant to paragraph (1), the Director of the Office of Management and Budget shall—

''(A) issue a time-bound plan to phase in the new reporting not later than January 1, 2020;

''(B) require reporting of subcontract and subgrant data at tier one not later than January 1, 2020;

''(C) require reporting of subcontract and subgrant data at tier two not later than January 1, 2022; and

''(D) include in the annual report required by section 2(g) of the Federal Funding Accountability and Transparency Act (Public

Law 109–282; 31 U.S.C. 6101 note), progress on these stages and options for transparency at lower stages starting in fiscal year 2023.

''(3) EXCEPTIONS.—

''(A) MINIMUM THRESHOLD.—Consistent with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282; 31 U.S.C. 6101 note), executive agencies need not disclose contracts, subcontracts, grants, subgrants, or cooperative agreements less than $25,000 or contractors with gross income less than $300,000 in the previous tax year.

''(B) SECURITY RISKS.—An awarding agency need not disclose the identity of a foreign awardee if the awarding agency certifies that disclosure of the contractor's identity would pose a security risk to the contractor or its contractual mission.

''(C) WAIVERS.—

''(i) GUIDANCE.—Not later than one year after the date of enactment of this subsection, the Office of Management and Budget shall issue guidance to establish a process by which a contractor, subcontractor, grantee, subgrantee, or parties to cooperative agreements may request a waiver from any of the requirements set forth in the section.

''(ii) CRITERIA.—To receive a waiver, the contractor, subcontractor, grantee, subgrantee, or party to a cooperative agreement must demonstrate why it cannot currently meet the requirements and must explain the steps it will take to meet the requirements once the waiver expires.

''(iii) EXPIRATION.—This waiver option will expire on January 1, 2021.

''(iv) WAIVER LIST.—The Office of Management and Budget shall maintain a public list of all contractors, subcontractors, grantees, subgrantees, or parties to cooperative agreements that have received a waiver.

SA 2801. Ms. STABENOW (for herself, Ms. BALDWIN, Mr. MURPHY, Mr. MERKLEY, and Ms. SMITH) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 823. PUBLICATION OF ANNUAL REPORTS ON BUY AMERICAN AND HIRE AMERICAN COMPLIANCE.

(a) IN GENERAL.—The head of each agency required to submit reports under Executive Order 13788, entitled ''Buy American and Hire American'', (or any successor order) shall make each report available to the public, and submit each report to Congress, at the same time the head of the agency submits the report to the Secretary of Commerce and Director of the Office of Management and Budget.

(b) PUBLICATION OF PREVIOUS REPORTS.—Not later than 90 days after the date of the enactment of this Act, the head of each agency that was previously required to submit a report under Executive Order 13788 shall make each such report available to the public, and submit each such report to Congress.

SA 2802. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 12___. REPORT ON CIVILIAN CASUALTIES IN SOMALIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Africa Command shall submit to the congressional defense committees a report on the process by which the Commander investigates allegations of civilian casualties resulting from United States military operations in Somalia during the period beginning on January 1, 2017, and ending on November 30, 2018.

(b) ELEMENT.—The report required by subsection (a) shall include the following:

(1) A description of—

(A) the criteria applied by the Commander to assess the credibility of such allegations made by an individual not affiliated with the Department of Defense; and

(B) the manner in which the Commander overcomes an obstacle to accessing a location or witness relevant to an investigation of such civilian casualties.

(2) An explanation of any discrepancy between the assessment of the Department with respect to specific civilian casualties and independent reports of such casualties.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 2803. Mr. HOEVEN (for himself and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1006. TREATMENT OF ACTIVITIES RELATING TO TRAINING AND READINESS OF THE ARMED FORCES DURING A LAPSE IN APPROPRIATIONS AS VOLUNTARY SERVICES ACCEPTABLE BY THE UNITED STATES.

Section 1342 of title 31, United States Code, is amended by adding at the end the following new sentence: ''However, the term does include any portion of a fiscal year during which the appropriation bill for the fiscal year for the Department of Defense or the Department of Homeland Security, as applicable, has not become law and an Act or joint resolution making continuing appropriations for the fiscal year is not in effect, but only with respect to activities relating to the training and readiness of the Armed Forces (including the National Guard and the Reserves) carried out during such portion of the fiscal year.''.

SA 2804. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 706. REQUIREMENT FOR PHYSICAL EXAMINATIONS OF MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE OF THE RESERVE COMPONENTS OF THE ARMED FORCES WHO ARE SEPARATING FROM THE SELECTED RESERVE.

Section 1145(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''pursuant to'' and inserting ''described in''; and

(B) in subparagraph (A)—

(i) by striking ''(A)'' and inserting ''(A)(i)'';

(ii) by striking the semicolon at the end and inserting ''; or''; and

(iii) by adding at the end the following new clause:

''(ii) is a member of the Selected Reserve of the Ready Reserve of a reserve component who is scheduled to separate from the Selected Reserve within 90 days;''; and

(2) in paragraph (2)(A)—

(A) by striking ''examination under paragraph (1) to a'' and inserting ''examination—

''(i) under paragraph (1)(A)(i) to a'';

(B) in clause (i), as designated by subparagraph (A), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(ii) under paragraph (1)(A)(ii) to a member of the Selected Reserve of the Ready Reserve of a reserve component during the 90-day period before the date on which the member is scheduled to be separated from the Selected Reserve; and''.

SA 2805. Mr. PAUL (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 633. AUTHORITY FOR SALE OF BEER, WINE, AND DISTILLED SPIRITS AT COMMISSARY STORES.

(a) IN GENERAL.—Section 2484(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(2) by inserting after paragraph (8) the following new paragraph (9):

''(9) Beer, wine, and distilled spirits.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on such date, not later than 90 days after the date of the enactment of this Act, as the Under Secretary of Defense for Personnel and the Director of the Defense Commissary Agency shall jointly specify for purposes of this section.

SA 2806. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title VIII, add the following:

SEC. 896. PROHIBITION ON PROCUREMENT OF FOREIGN-MADE COMMERCIAL UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Except as provided under subsection (b), the Secretary of Defense may not procure or extend or renew a contract to procure any unmanned aerial system (UAS) that is manufactured outside the United States.

(b) WAIVER.—The Secretary of Defense may waive the requirement under subsection (a) on a case-by-case basis upon certifying to the congressional defense committees that it is necessary for national security reasons.

SA 2807. Mr. CRUZ (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3111.

SA 2808. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—DHS AUTHORIZATION ACT

SEC. 1. SHORT TITLE.

This division may be cited as the ''Department of Homeland Security Authorization Act'' or the ''DHS Authorization Act''.

SEC. 2. REFERENCES.

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

TITLE I—DEPARTMENT OF HOMELAND SECURITY HEADQUARTERS

Subtitle A—Headquarters Operations

SEC. 1101. FUNCTIONS AND COMPONENTS OF HEADQUARTERS OF DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112) is amended—

(1) in subsection (c), in the matter preceding paragraph (1), by striking ''through the Office of State and Local Coordination (established under section 801)'' and inserting ''through the Office of Partnership and Engagement''; and

(2) by adding at the end the following:

''(h) HEADQUARTERS.—

''(1) IN GENERAL.—There is in the Department a Headquarters.

''(2) COMPONENTS.—The Department Headquarters shall include each of the following:

''(A) The Office of the Secretary, which shall include—

''(i) the Deputy Secretary;

''(ii) the Chief of Staff; and

''(iii) the Executive Secretary.

''(B) The Management Directorate, including the Office of the Chief Financial Officer.

''(C) The Science and Technology Directorate.

''(D) The Office of Strategy, Policy, and Plans.

''(E) The Office of the General Counsel.

''(F) The Office of the Chief Privacy and FOIA Officer.

''(G) The Office for Civil Rights and Civil Liberties.

''(H) The Office of Operations Coordination.

''(I) The Office of Intelligence and Analysis.

''(J) The Office of Legislative Affairs.

''(K) The Office of Public Affairs.

''(L) The Office of the Inspector General.

''(M) The Office of the Citizenship and Immigration Services Ombudsman.

''(N) The Countering Weapons of Mass Destruction Office.

''(O) The Office of Partnership and Engagement.''.

(b) CONFORMING AMENDMENTS RELATING TO ASSISTANT SECRETARIES.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) in the subsection heading, by inserting ''; ASSISTANT SECRETARIES AND OTHER OFFICERS'' after ''UNDER SECRETARIES'';

(2) in paragraph (1), by amending subparagraph (I) to read as follows:

''(I) An Administrator of the Transportation Security Administration.'';

(3) by amending paragraph (2) to read as follows:

''(2) ASSISTANT SECRETARIES.—The following Assistant Secretaries shall be appointed by the President or the Secretary, as the case may be, without the advice and consent of the Senate:

''(A) PRESIDENTIAL APPOINTMENTS.—The Department shall have the following Assistant Secretaries appointed by the President:

''(i) The Assistant Secretary for Public Affairs.

''(ii) The Assistant Secretary for Legislative Affairs.

''(iii) The Assistant Secretary for the Countering Weapons of Mass Destruction Office.

''(iv) The Chief Medical Officer.

''(B) SECRETARIAL APPOINTMENTS.—The Department shall have the following Assistant Secretaries appointed by the Secretary:

''(i) The Assistant Secretary for International Affairs.

''(ii) The Assistant Secretary for Threat Prevention and Security Policy.

''(iii) The Assistant Secretary for Border, Immigration, and Trade Policy.

''(iv) The Assistant Secretary for Cybersecurity, Infrastructure, and Resilience Policy.

''(v) The Assistant Secretary for Strategy, Planning, Analysis, and Risk.

''(vi) The Assistant Secretary for State and Local Law Enforcement.

''(vii) The Assistant Secretary for Partnership and Engagement.

''(viii) The Assistant Secretary for Private Sector.''; and

(4) by adding at the end the following:

''(3) LIMITATION ON CREATION OF POSITIONS.—No Assistant Secretary position may be created in addition to the positions provided for by this section unless such position is authorized by a statute enacted after the date of the enactment of the DHS Authorization Act.''.

SEC. 1102. RESPONSIBILITIES AND FUNCTIONS OF CHIEF PRIVACY AND FOIA OFFICER.

Section 222(a) of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ''to be the Chief Privacy and FOIA Officer of the Department,'' after ''in the Department,''; and

(B) by striking ''to the Secretary, to assume'' and inserting ''to the Secretary. Such official shall have'';

(2) in paragraph (5)(B), by striking ''and'' at the end;

(3) by striking paragraph (6); and

(4) by inserting after paragraph (5) the following:

''(6) developing guidance to assist components of the Department in developing privacy policies and practices;

''(7) establishing a mechanism to ensure such components are in compliance with Federal regulatory and statutory and Department privacy requirements, mandates, directives, and policies, including requirements under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act');

''(8) working with components and offices of the Department to ensure that information sharing and policy development activities incorporate privacy protections;

''(9) serving as the Chief FOIA Officer of the Department for purposes of section 552(j) of title 5, United States Code (commonly known as the 'Freedom of Information Act');

''(10) preparing an annual report to Congress that includes a description of the activities of the Department that affect privacy during the fiscal year covered by the report, including complaints of privacy violations, implementation of section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974'), internal controls, and other matters; and

''(11) carrying out such other responsibilities as the Secretary determines are appropriate, consistent with this section.''.

SEC. 1103. RESPONSIBILITIES OF CHIEF FINANCIAL OFFICER.

(a) IN GENERAL.—Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) 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) RESPONSIBILITIES.—In carrying out the responsibilities, authorities, and functions specified in section 902 of title 31, United States Code, the Chief Financial Officer shall—

''(1) oversee Department budget formulation and execution;

''(2) lead and provide guidance on performance-based budgeting practices for the Department to ensure that the Department and its components are meeting missions and goals;

''(3) lead cost-estimating practices for the Department, including the development of policies on cost estimating and approval of life cycle cost estimates;

''(4) coordinate with the Office of Strategy, Policy, and Plans to ensure that the development of the budget for the Department is compatible with the long-term strategic plans, priorities, and policies of the Secretary;

''(5) develop financial management policy for the Department and oversee the implementation of such policy, including the establishment of effective internal controls

over financial reporting systems and processes throughout the Department;

''(6) lead financial system modernization efforts throughout the Department;

''(7) lead the efforts of the Department related to financial oversight, including identifying ways to streamline and standardize business processes;

''(8) oversee the costs of acquisition programs and related activities to ensure that actual and planned costs are in accordance with budget estimates and are affordable, or can be adequately funded, over the lifecycle of such programs and activities;

''(9) fully implement a common accounting structure to be used across the entire Department by fiscal year 2020;

''(10) participate in the selection, performance planning, and review of cost estimating positions with the Department;

''(11) track, approve, oversee, and make public information on expenditures by components of the Department for conferences, as appropriate, including by requiring each component to—

''(A) report to the Inspector General of the Department the expenditures by such component for each conference hosted for which the total expenditures of the Department exceed $100,000, within 15 days after the date of the conference; and

''(B) with respect to such expenditures, provide to the Inspector General—

''(i) the information described in subsections (a), (b), and (c) of section 739 of title VII of division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2389); and

''(ii) documentation of such expenditures; and

''(12) track and make public information on expenditures by components of the Department for conferences, as appropriate, including by requiring each component to—

''(A) report to the Inspector General of the Department the expenditures by such component for each conference hosted or attended by Department employees for which the total expenditures of the Department are more than $20,000 and less than $100,000, not later than 30 days after the date of the conference; and

''(B) with respect to such expenditures, provide to the Inspector General—

''(i) the information described in subsections (a), (b), and (c) of section 739 of title VII of division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113–235; 128 Stat. 2389); and

''(ii) documentation of such expenditures.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by this section may be construed as altering or amending the responsibilities, authorities, and functions of the Chief Financial Officer of the Department of Homeland Security under section 902 of title 31, United States Code.

SEC. 1104. CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—

(1) in subsection (a)—

(A) by striking '', or to another official of the Department, as the Secretary may direct''; and

(B) by adding at the end the following: ''In addition to the functions under section 3506(a)(2) of title 44, United States Code, and section 11319 of title 40, United States Code, the Chief Information Officer shall—

''(1) serve as the lead technical authority for information technology programs of the Department and components of the Department; and

''(2) advise and assist the Secretary, heads of the components of the Department, and other senior officers in carrying out the responsibilities of the Department for all activities relating to the budgets, programs, security, and operations of the information technology functions of the Department.'';

(2) by redesignating subsection (b) as subsection (c); and

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

''(b) STRATEGIC PLANS.—

''(1) IN GENERAL.—The Chief Information Officer shall, in coordination with the Chief Financial Officer, develop an information technology strategic plan every 5 years and report to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate on the extent to which—

''(A) the budget of the Department aligns with priorities specified in the information technology strategic plan;

''(B) the information technology strategic plan informs the budget process of the Department;

''(C) the Department has identified and addressed skills gaps needed to implement the information technology strategic plan;

''(D) unnecessary duplicative information technology within and across the components of the Department has been eliminated;

''(E) outcome-oriented goals, quantifiable performance measures, and strategies for achieving those goals and measures have succeeded; and

''(F) internal control weaknesses and how the Department will address those weaknesses.

''(2) INITIAL PLAN.—Not later than 1 year after the date of enactment of this subsection, the Chief Information Officer shall complete the first information technology strategic plan required under paragraph (1).''.

(b) SOFTWARE LICENSING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and each year thereafter through fiscal year 2021, the Chief Information Officer of the Department of Homeland Security shall submit the comprehensive software license policy developed to meet the requirements of section 2 of the MEGABYTE Act of 2016 (40 U.S.C. 11302 note), including any updates provided to the Director of the Office of Management and Budget, to—

(A) the Committee on Homeland Security and the Committee of Oversight and Government Reform of the House of Representatives; and

(B) the Committee on Homeland Security and Governmental Affairs of the Senate.

(2) DEPARTMENT INVENTORY.—Beginning in fiscal year 2022, and once every 2 fiscal years thereafter, the Chief Information Officer of the Department of Homeland Security, in consultation with the component chief information officers, shall submit to the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report containing—

(A) a department-wide inventory of all software licenses held by the Department of Homeland Security on unclassified and classified systems, including utilized and unutilized licenses;

(B) an assessment of the needs of the Department of Homeland Security and the components of the Department of Homeland Security for software licenses for the subsequent 2 fiscal years;

(C) an explanation as to how the use of shared cloud-computing services or other new technologies will impact the needs for software licenses for the subsequent 2 fiscal years; and

(D) plans and estimated costs for eliminating unutilized software licenses for the subsequent 2 fiscal years; and

(E) a plan to expedite licensing of software developed for the Department of Homeland Security to the private sector.

(3) PLAN TO REDUCE SOFTWARE LICENSES.—If the Chief Information Officer of the Department of Homeland Security determines through the inventory conducted under paragraph (2) that the number of software licenses held by the Department of Homeland Security and the components of the Department of Homeland Security exceeds the needs of the Department of Homeland Security, not later than 90 days after the date on which the inventory is completed, the Secretary of Homeland Security shall establish a plan for reducing the number of such software licenses to meet needs of the Department of Homeland Security.

(c) COMPTROLLER GENERAL REVIEW.—Not later than the end of fiscal year 2019, the Comptroller General of the United States shall review the extent to which the Chief Information Officer of the Department of Homeland Security fulfilled all requirements established in this section and the amendments made by this section.

SEC. 1105. QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—Section 706 of the Homeland Security Act of 2002, as so redesignated by section 1142 of this Act, is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

''(C) representatives from appropriate advisory committees established pursuant to section 871, including the Homeland Security Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49, United States Code; and'';

(2) in subsection (b)—

(A) in paragraph (2), by inserting before the semicolon at the end the following: ''based on the risk assessment required pursuant to subsection (c)(2)(B)'';

(B) in paragraph (3)—

(i) by inserting '', to the extent practicable,'' after ''describe''; and

(ii) by striking ''budget plan'' and inserting ''resources required'';

(C) in paragraph (4)—

(i) by inserting '', to the extent practicable,'' after ''identify'';

(ii) by striking ''budget plan required to provide sufficient resources to successfully'' and inserting ''resources required to''; and

(iii) by striking the semicolon at the end and inserting '', including any resources identified from redundant, wasteful, or unnecessary capabilities and capacities that can be redirected to better support other existing capabilities and capacities, as the case may be; and'';

(D) in paragraph (5), by striking ''; and'' and inserting a period; and

(E) by striking paragraph (6);

(3) in subsection (c)—

(A) in paragraph (1), by striking ''December 31'' and inserting ''September 30'';

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''description of the threats to'' and inserting ''risk assessment of'';

(ii) in subparagraph (C), by inserting '', as required under subsection (b)(2)'' before the semicolon at the end;

(iii) in subparagraph (D)—

(I) by inserting ''to the extent practicable,'' before ''a description''; and

(II) by striking ''budget plan'' and inserting ''resources required'';

(iv) in subparagraph (F)—

(I) by inserting ''to the extent practicable,'' before ''a discussion''; and

(II) by striking ''the status of'';

(v) in subparagraph (G)—

(I) by inserting ''to the extent practicable,'' before ''a discussion'';

(II) by striking ''the status of'';

(III) by inserting ''and risks'' before ''to national homeland''; and

(IV) by inserting ''and'' after the semicolon at the end;

(vi) by striking subparagraph (H); and

(vii) by redesignating subparagraph (I) as subparagraph (H);

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) DOCUMENTATION.—The Secretary shall retain, from each quadrennial homeland security review, all information regarding the risk assessment, as required under subsection (c)(2)(B), including—

''(A) the risk model utilized to generate the risk assessment;

''(B) information, including data used in the risk model, utilized to generate the risk assessment; and

''(C) sources of information, including other risk assessments, utilized to generate the risk assessment.'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following:

''(d) REVIEW.—Not later than 90 days after the submission of each report required under subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to which the findings and recommendations developed in the quadrennial homeland security review covered by the report were integrated into the acquisition strategy and expenditure plans for the Department.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a quadrennial homeland security review conducted under section 706 of the Homeland Security Act of 2002, as so redesignated, after December 31, 2017.

SEC. 1106. OFFICE OF STRATEGY, POLICY, AND PLANS.

(a) ABOLISHMENT OF OFFICE OF INTERNATIONAL AFFAIRS.—

(1) IN GENERAL.—The Office of International Affairs within the Office of the Secretary of Homeland Security is abolished.

(2) TRANSFER OF ASSETS AND PERSONNEL.—The functions authorized to be performed by the office described in paragraph (1) as of the day before the date of enactment of this Act, and the assets and personnel associated with such functions, are transferred to the Under Secretary for Strategy, Policy, and Plans of the Department of Homeland Security under section 708 of the Homeland Security Act of 2002, as so redesignated by section 1142 of this Act.

(3) CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 317(b) (6 U.S.C. 195c(b))—

(i) in paragraph (2)(A), by striking '', in consultation with the Assistant Secretary for International Affairs,''; and

(ii) in paragraph (4), by striking ''the Office of International Affairs and''; and

(B) by striking section 879 (6 U.S.C. 459).

(4) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 879.

(b) HOMELAND SECURITY ADVISORY COUNCIL.—Section 102(b) of the Homeland Security Act of 2002 (6 U.S.C. 112(b)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) shall establish a Homeland Security Advisory Council to provide advice and recommendations on homeland security-related matters, including advice with respect to the preparation of the quadrennial homeland security review under section 706.''.

(c) OFFICE OF LEGISLATIVE AFFAIRS.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended by adding at the end the following:

''(h) OFFICE OF LEGISLATIVE AFFAIRS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, any report that the Department or a component of the Department is required to submit to the Committee on Appropriations of the Senate or the Committee on Appropriations of the House of Representatives under any provision of law shall be submitted concurrently to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

''(2) APPLICABILITY.—Paragraph (1) shall apply with respect to any report described in paragraph (1) that is submitted on or after the date of enactment of the DHS Authorization Act.

''(3) NOTICE.—The Secretary shall notify, in writing, the chairmen and ranking members of the authorizing and appropriating committees of jurisdiction regarding policy memoranda, management directives, and reprogramming notifications issued by the Department.''.

(d) OFFICE OF PRIVATE SECTOR.—

(1) IN GENERAL.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), as amended, is amended by adding at the end the following:

''(i) OFFICE OF PRIVATE SECTOR.—The Assistant Secretary for Private Sector shall be responsible for—

''(1) creating and fostering strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland;

''(2) advising the Secretary on the impact of the Department's policies, regulations, processes, and actions on the private sector;

''(3) interfacing with other relevant Federal agencies with homeland security missions to assess the impact of these agencies' actions on the private sector;

''(4) creating and managing private sector advisory councils composed of representatives of industries and associations designated by the Secretary to—

''(A) advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges; and

''(B) advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations;

''(5) working with Federal laboratories, federally funded research and development centers, other federally funded organizations, academia, and the private sector to develop innovative approaches to address homeland security challenges to produce and deploy the best available technologies for homeland security missions;

''(6) promoting existing public-private partnerships and developing new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges; and

''(7) assisting in the development and promotion of private sector best practices to secure critical infrastructure.''.

(2) CONFORMING AMENDMENT.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(A) by striking paragraphs (1) through (7); and

(B) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (1), (2), (3), and (4), respectively.

(e) DEFINITIONS.—In this section each of the terms ''assets'', ''functions'', and ''personnel'' have the meanings given those terms under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(f) DUPLICATION REVIEW.—

(1) REVIEW REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall complete a review of the functions and responsibilities of each Department of Homeland Security component responsible for international affairs to identify and eliminate areas of unnecessary duplication.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after the completion of the review required under paragraph (1), the Secretary of Homeland Security shall provide the results of the review to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the congressional homeland security committees, as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101, as amended by this Act, an action plan, including corrective steps and an estimated date of completion, to address areas of duplication, fragmentation, and overlap and opportunities for cost savings and revenue enhancement, as identified by the Government Accountability Office based on the annual report of the Government Accountability Office entitled ''Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits''.

SEC. 1107. CHIEF PROCUREMENT OFFICER.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1142, is amended by adding at the end the following:

''SEC. 709. CHIEF PROCUREMENT OFFICER.

''(a) IN GENERAL.—There is in the Department a Chief Procurement Officer, who shall serve as a senior business advisor to agency officials on procurement-related matters and report directly to the Under Secretary for Management. The Chief Procurement Officer is the senior procurement executive for purposes of subsection (c) of section 1702 of title 41, United States Code, and shall perform procurement functions as specified in such subsection.

''(b) RESPONSIBILITIES.—The Chief Procurement Officer shall—

''(1) delegate or retain contracting authority, as appropriate;

''(2) issue procurement policies and oversee the heads of contracting activity of the Department to ensure compliance with those policies;

''(3) serve as the main liaison of the Department to industry on procurement-related issues;

''(4) account for the integrity, performance, and oversight of Department procurement and contracting functions;

''(5) ensure that procurement contracting strategies and plans are consistent with the intent and direction of the Acquisition Review Board;

''(6) oversee a centralized acquisition workforce certification and training program using, as appropriate, existing best practices and acquisition training opportunities from the Federal Government, private sector, or universities and colleges to include training on how best to identify actions that warrant referrals for suspension or debarment;

''(7) approve the selection and organizational placement of each head of contracting activity within the Department and participate in the periodic performance reviews of each head of contracting activity of the Department;

''(8) ensure that a fair proportion of the value of Federal contracts and subcontracts are awarded to small business concerns, as defined under section 3 of the Small Business Act (15 U.S.C. 632), (in accordance with the procurement contract goals under section 15(g) of the Small Business Act (15 U.S.C. 644(g)), maximize opportunities for small business participation in such contracts, and ensure, to the extent practicable, small business concerns that achieve qualified vendor status for security-related technologies are provided an opportunity to compete for contracts for such technology; and

''(9) carry out any other procurement duties that the Under Secretary for Management may designate.

''(c) HEAD OF CONTRACTING ACTIVITY DEFINED.—In this section the term 'head of contracting activity' means an official who is delegated, by the Chief Procurement Officer and Senior Procurement Executive, the responsibility for the creation, management, and oversight of a team of procurement professionals properly trained, certified, and warranted to accomplish the acquisition of products and services on behalf of the designated components, offices, and organizations of the Department, and as authorized, other government entities.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1142, is amended by inserting after the item relating to section 708 the following:

''Sec. 709. Chief Procurement Officer.''.

SEC. 1108. CHIEF SECURITY OFFICER.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1107, is amended by adding at the end the following:

''SEC. 710. CHIEF SECURITY OFFICER.

''(a) IN GENERAL.—There is in the Department a Chief Security Officer, who shall report directly to the Under Secretary for Management.

''(b) RESPONSIBILITIES.—The Chief Security Officer shall—

''(1) develop, implement, and oversee compliance with the security policies, programs, and standards of the Department;

''(2) participate in—

''(A) the selection and organizational placement of each senior security official of a component, and the deputy for each such official, and any other senior executives responsible for security-related matters; and

''(B) the periodic performance planning and reviews;

''(3) identify training requirements, standards, and oversight of education to Department personnel on security-related matters;

''(4) develop security programmatic guidelines;

''(5) review contracts and interagency agreements associated with major security investments within the Department; and

''(6) provide support to Department components on security-related matters.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended, as amended by section 1107, by inserting after the item relating to section 709 the following:

''Sec. 710. Chief Security Officer.''.

SEC. 1109. OFFICE OF INSPECTOR GENERAL.

(a) NOTIFICATION.—The heads of offices and components of the Department of Homeland Security shall promptly advise the Inspector General of the Department of all allegations of misconduct with respect to which the Inspector General has investigative authority under the Inspector General Act of 1978 (5 U.S.C. App.).

(b) WAIVER.—The Inspector General may waive the notification requirement under this section with respect to any category or subset of allegations of misconduct.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Secretary of Homeland Security under the Inspector General Act of 1978 (5 U.S.C. App.).

SEC. 1110. OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.

(a) IN GENERAL.—Section 705 of the Homeland Security Act of 2002 (6 U.S.C. 345) is amended—

(1) in the section heading, by striking ''**ESTABLISHMENT OF OFFICER FOR**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Officer for Civil Rights and Civil Liberties'' and inserting ''Chief Civil Rights and Civil Liberties Officer''; and

(B) in paragraph (2), by inserting ''Chief'' before ''Officer'';

(3) by redesignating subsection (b) as subsection (d); and

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

''(b) OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES.—There is in the Department an Office for Civil Rights and Civil Liberties. Under the direction of the Chief Civil Rights and Civil Liberties Officer, the Office shall support the Chief Civil Rights and Civil Liberties Officer in the following:

''(1) Integrating civil rights and civil liberties into activities of the Department by conducting programs and providing policy advice and other technical assistance.

''(2) Investigating complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.

''(3) Directing the Department's equal employment opportunity and diversity policies and programs, including complaint management and adjudication.

''(4) Communicating with individuals and communities whose civil rights and civil liberties may be affected by Department activities.

''(5) Any other activities as assigned by the Chief Civil Rights and Civil Liberties Officer.

''(c) COMPONENT CIVIL RIGHTS AND CIVIL LIBERTIES OFFICERS.—

''(1) IN GENERAL.—In consultation with the Chief Civil Rights and Civil Liberties Officer, the head of each component of the Department shall appoint a senior-level Federal employee with experience and background in civil rights and civil liberties as the Civil Rights and Civil Liberties Officer for the component.

''(2) RESPONSIBILITIES.—Each Civil Rights and Civil Liberties Officer appointed under paragraph (1) shall—

''(A) serve as the main point of contact for the Chief Civil Rights and Civil Liberties Officer; and

''(B) coordinate with the Chief Civil Rights and Civil Liberties Officer to oversee the integration of civil rights and civil liberties into the activities of the component.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 705 and inserting the following:

''Sec. 705. Civil Rights and Civil Liberties.''.

SEC. 1111. SCIENCE AND TECHNOLOGY.

(a) RESPONSIBILITIES OF THE UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—

(1) DIRECTORATE FOR SCIENCE AND TECHNOLOGY.—Section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182) is amended—

(A) in the matter preceding paragraph (1), by striking ''The Secretary, acting through the Under'' and inserting ''The Under''; and

(B) in paragraph (4), by striking ''and evaluation'' and inserting ''evaluation, and standards coordination and development''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 315(a)(2)(A) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking ''Directorate of Science and Technology and Homeland Security Advanced Research Projects Agency'' and inserting ''Directorate of Science and Technology and the Chief Scientist''.

(b) OFFICE OF THE CHIEF SCIENTIST.—

(1) IN GENERAL.—Section 307 of the Homeland Security Act of 2002 (6 U.S.C. 187) is amended—

(A) in the section heading, by striking ''**HOMELAND SECURITY ADVANCED RESEARCH PROJECTS AGENCY**'' and inserting ''**OFFICE OF THE CHIEF SCIENTIST**'';

(B) in subsection (a)—

(i) by striking paragraphs (1) and (3); and

(ii) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) by striking subsections (b) and (c) and inserting the following:

''(b) OFFICE OF THE CHIEF SCIENTIST.—

''(1) ESTABLISHMENT.—There is established the Office of the Chief Scientist.

''(2) CHIEF SCIENTIST.—The Office of the Chief Scientist shall be headed by a Chief Scientist, who shall be appointed by the Secretary.

''(3) QUALIFICATIONS.—The Chief Scientist shall—

''(A) be appointed from among distinguished scientists with specialized training or significant experience in a field related to counterterrorism, traditional homeland security missions, or national defense; and

''(B) have earned an advanced degree at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(4) RESPONSIBILITIES.—The Chief Scientist shall oversee all research and development to—

''(A) support basic and applied homeland security research to promote revolutionary changes in technologies that would promote homeland security;

''(B) advance the development, testing and evaluation, standards coordination and development, and deployment of critical homeland security technologies;

''(C) accelerate the prototyping and deployment of technologies that would address homeland security vulnerabilities;

''(D) promote the award of competitive, merit-reviewed grants, cooperative agreements or contracts to public or private entities, including business, federally funded research and development centers, and universities; and

''(E) oversee research and development for the purpose of advancing technology for the investigation of child exploitation crimes, including child victim identification, trafficking in persons, and child pornography, and for advanced forensics.

''(5) COORDINATION.—The Chief Scientist shall ensure that the activities of the Directorate for Testing and Evaluation of Science and Technology are coordinated with those of other relevant research agencies, and may oversee projects jointly with other agencies.

''(6) PERSONNEL.—In hiring personnel for the Science and Technology Directorate, the Secretary shall have the hiring and management authorities described in section 1599h of title 10, United States Code. The term of appointments for employees under subsection (c)(1) of that section may not exceed 5 years before the granting of any extension under subsection (c)(2) of that section.

''(7) DEMONSTRATIONS.—The Chief Scientist, periodically, shall hold homeland security technology demonstrations, pilots, field assessments, and workshops to improve contact among technology developers, vendors, component personnel, State, local, and tribal first responders, and acquisition personnel.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 307 and inserting the following:

''Sec. 307. Office of the Chief Scientist.''.

SEC. 1112. DEPARTMENT OF HOMELAND SECURITY ROTATION PROGRAM.

(a) ENHANCEMENTS TO THE ROTATION PROGRAM.—Section 844 of the Homeland Security Act of 2002 (6 U.S.C. 414) is amended—

(1) by striking ''(a) ESTABLISHMENT.—'';

(2) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively, and adjusting the margins and the heading typeface accordingly;

(3) in subsection (a), as so redesignated—

(A) by striking ''Not later than 180 days after the date of enactment of this section, the'' and inserting ''The''; and

(B) by striking ''for employees of the Department'' and inserting ''for certain personnel within the Department'';

(4) in subsection (b), as so redesignated—

(A) by redesignating subparagraphs (A) through (G) as paragraphs (3) through (9), respectively, and adjusting the margins accordingly;

(B) by inserting before paragraph (3), as so redesignated, the following:

''(1) seek to foster greater departmental integration and unity of effort;

''(2) seek to help enhance the knowledge, skills, and abilities of participating personnel with respect to the programs, policies, and activities of the Department;'';

(C) in paragraph (4), as so redesignated, by striking ''middle and senior level''; and

(D) in paragraph (7), as so redesignated, by inserting before ''invigorate'' the following: ''seek to improve morale and retention throughout the Department and'';

(5) in subsection (c), as redesignated by paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and adjusting the margins accordingly; and

(B) in paragraph (2), as so redesignated—

(i) by striking clause (iii); and

(ii) by redesignating clauses (i), (ii), and (iv) through (viii) as subparagraphs (A) through (G), respectively, and adjusting the margins accordingly;

(6) by redesignating subsections (d) and (e), as redesignated by paragraph (2), as subsections (e) and (f), respectively;

(7) by inserting after subsection (c) the following new subsection:

''(d) ADMINISTRATIVE MATTERS.—In carrying out the Rotation Program the Secretary shall—

''(1) before selecting employees for participation in the Rotation Program, disseminate information broadly within the Department about the availability of the Rotation Program, qualifications for participation in the Rotation Program, including full-time employment within the employing component or office not less than 1 year, and the general provisions of the Rotation Program;

''(2) require as a condition of participation in the Rotation Program that an employee—

''(A) is nominated by the head of the component or office employing the employee; and

''(B) is selected by the Secretary, or the Secretary's designee, solely on the basis of relative ability, knowledge, and skills, after fair and open competition that assures that all candidates receive equal opportunity;

''(3) ensure that each employee participating in the Rotation Program shall be entitled to return, within a reasonable period of time after the end of the period of participation, to the position held by the employee, or a corresponding or higher position, in the component or office that employed the employee prior to the participation of the employee in the Rotation Program;

''(4) require that the rights that would be available to the employee if the employee were detailed from the employing component or office to another Federal agency or office remain available to the employee during the employee participation in the Rotation Program; and

''(5) require that, during the period of participation by an employee in the Rotation Program, performance evaluations for the employee—

''(A) shall be conducted by officials in the office or component employing the employee with input from the supervisors of the employee at the component or office in which the employee is placed during that period; and

''(B) shall be provided the same weight with respect to promotions and other rewards as performance evaluations for service in the office or component employing the employee.''; and

(8) by adding at the end the following:

''(g) INTELLIGENCE ROTATIONAL ASSIGNMENT PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish an Intelligence Rotational Assignment Program as part of the Rotation Program under subsection (a).

''(2) ADMINISTRATION.—The Chief Human Capital Officer, in conjunction with the Chief Intelligence Officer, shall administer the Intelligence Rotational Assignment Program established pursuant to paragraph (1).

''(3) ELIGIBILITY.—The Intelligence Rotational Assignment Program established pursuant to paragraph (1) shall be open to employees serving in existing analyst positions within the Department's intelligence enterprise and other Department employees as determined appropriate by the Chief Human Capital Officer and the Chief Intelligence Officer.

''(4) COORDINATION.—The responsibilities specified in subsection (c)(2) that apply to the Rotation Program under such subsection shall, as applicable, also apply to the Intelligence Rotational Assignment Program under this subsection.

''(h) EVALUATION.—The Chief Human Capital Officer, acting through the Under Secretary for Management, shall—

''(1) perform regular evaluations of the Homeland Security Rotation Program; and

''(2) not later than 90 days after the end of each fiscal year, submit to the Secretary a report detailing the findings of the evaluations under paragraph (1) during that fiscal year, which shall include—

''(A) an analysis of the extent to which the program meets the goals under subsection (b);

''(B) feedback from participants in the program, including the extent to which rotations have enhanced their performance in their current role and opportunities to improve the program;

''(C) aggregated information about program participants; and

''(D) a discussion of how rotations can be aligned with the needs of the Department with respect to employee training and mission needs.''.

(b) CONGRESSIONAL NOTIFICATION AND OVERSIGHT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate information about the status of the Homeland Security Rotation Program authorized by section 844 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

SEC. 1113. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454) is amended—

(1) in the section heading, by striking ''**YEAR**'' and inserting ''**YEARS**'';

(2) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not later than 60 days after the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives (referred to in this section as the 'appropriate committees') a Future Years Homeland Security Program that covers the fiscal year for which the budget is submitted and the 4 succeeding fiscal years.''; and

(3) by striking subsection (c) and inserting the following new subsections:

''(c) PROJECTION OF ACQUISITION ESTIMATES.—On and after February 1, 2019, each Future Years Homeland Security Program shall project—

''(1) acquisition estimates for the fiscal year for which the budget is submitted and the 4 succeeding fiscal years, with specified estimates for each fiscal year, for all major acquisitions by the Department and each component of the Department; and

''(2) estimated annual deployment schedules for all physical asset major acquisitions over the 5-fiscal-year period described in paragraph (1), estimated costs and number of service contracts, and the full operating capability for all information technology major acquisitions.

''(d) SENSITIVE AND CLASSIFIED INFORMATION.—The Secretary may include with each Future Years Homeland Security Program a classified or other appropriately controlled document containing information required to be submitted under this section that is restricted from public disclosure in accordance with Federal law or Executive order.

''(e) AVAILABILITY OF INFORMATION TO THE PUBLIC.—The Secretary shall make available to the public in electronic form the information required to be submitted to the appropriate committees under this section, other than information described in subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 874 and inserting the following:

''Sec. 874. Future Years Homeland Security Program.''.

SEC. 1114. FIELD EFFICIENCIES PLAN.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Homeland Security and Governmental Affairs of the Senate a field efficiencies plan that—

(1) examines the facilities and administrative and logistics functions of components of the Department of Homeland Security located within designated geographic areas; and

(2) provides specific recommendations and an associated cost-benefit analysis for the consolidation of the facilities and administrative and logistics functions of components of the Department of Homeland Security within each designated geographic area.

(b) CONTENTS.—The field efficiencies plan submitted under subsection (a) shall include the following:

(1) An accounting of leases held by the Department of Homeland Security or the components of the Department of Homeland Security that have expired in the current fiscal year or will be expiring in the next fiscal year, that have begun or been renewed in the current fiscal year, or that the Department of Homeland Security or the components of the Department of Homeland Security plan to sign or renew in the next fiscal year.

(2) For each designated geographic area:

(A) An evaluation of specific facilities at which components, or operational entities of components, of the Department of Homeland Security may be closed or consolidated, including consideration of when leases expire or facilities owned by the Government become available.

(B) An evaluation of potential consolidation with facilities of other Federal, State, or local entities, including—

(i) offices;

(ii) warehouses;

(iii) training centers;

(iv) housing;

(v) ports, shore facilities, and airfields;

(vi) laboratories;

(vii) continuity of government facilities; and

(viii) other assets as determined by the Secretary.

(C) An evaluation of the potential for the consolidation of administrative and logistics functions, including—

(i) facility maintenance;

(ii) fleet vehicle services;

(iii) mail handling and shipping and receiving;

(iv) facility security;

(v) procurement of goods and services;

(vi) information technology and telecommunications services and support; and

(vii) additional ways to improve unity of effort and cost savings for field operations and related support activities as determined by the Secretary.

(3) An implementation plan, including—

(A) near-term actions that can co-locate, consolidate, or dispose of property within 24 months;

(B) identifying long-term occupancy agreements or leases that cannot be changed without a significant cost to the Government; and

(C) how the Department of Homeland Security can ensure it has the capacity, in both personnel and funds, needed to cover upfront costs to achieve consolidation and efficiencies.

(4) An accounting of any consolidation of the real estate footprint of the Department or any component of the Department, including the co-location of personnel from different components, offices, and agencies within the Department.

SEC. 1115. MANAGEMENT.

(a) SUBMISSION TO CONGRESS OF INFORMATION REGARDING REPROGRAMMING OR TRANSFER OF DEPARTMENT OF HOMELAND SECURITY RESOURCES TO RESPOND TO OPERATIONAL SURGES.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1108, is amended by adding at the end the following:

''SEC. 711. ANNUAL SUBMITTAL TO CONGRESS OF INFORMATION ON REPROGRAMMING OR TRANSFERS OF FUNDS TO RESPOND TO OPERATIONAL SURGES.

''For each fiscal year until fiscal year 2023, the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, together with the annual budget request for the Department, information on—

''(1) any circumstance during the fiscal year covered by the report in which the Secretary exercised the authority to reprogram or transfer funds to address unforeseen costs, including costs associated with operational surges; and

''(2) any circumstance in which any limitation on the transfer or reprogramming of funds affected the ability of the Secretary to address such unforeseen costs.''.

(b) LONG TERM REAL PROPERTY STRATEGIES.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by subsection (a), is amended by adding at the end the following:

''SEC. 712. CHIEF FACILITIES AND LOGISTICS OFFICER.

''(a) IN GENERAL.—There is a Chief Facilities and Logistics Officer of the Department who shall report directly to the Under Secretary for Management. The Chief Facilities and Logistics Officer shall be career reserved for a member of the senior executive service.

''(b) RESPONSIBILITIES.—The Chief Facilities and Logistics Officer shall—

''(1) develop policies and procedures and provide program oversight to manage real property, facilities, environmental and energy programs, personal property, mobile assets, equipment, and other material resources of the Department;

''(2) manage and execute, in consultation with the component heads, mission support services within the National Capital Region for real property, facilities, environmental and energy programs, and other common headquarters and field activities for the Department; and

''(3) provide tactical and transactional services for the Department in the National Capital Region, including transportation, facility operations, and maintenance.

''SEC. 713. LONG TERM REAL PROPERTY STRATEGIES.

''(a) IN GENERAL.—

''(1) FIRST STRATEGY.—Not later than 180 days after the date of enactment of this section, the Under Secretary for Management, in consultation with the Administrator of General Services, shall develop an initial 5-year regional real property strategy for the Department that covers the 5-fiscal-year period immediately following such date of enactment. Such strategy shall be geographically organized, as designated by the Under Secretary for Management.

''(2) SECOND STRATEGY.—Not later than the first day of the fourth fiscal year covered by the first strategy under paragraph (1), the Under Secretary for Management, in consultation with the Administrator of General Services, shall develop a second 5-year real property strategy for the Department that covers the 5 fiscal years immediately following the conclusion of the first strategy.

''(b) REQUIREMENTS.—

''(1) INITIAL STRATEGY.—The initial 5-year strategy developed in accordance with subsection (a)(1) shall—

''(A) identify opportunities to consolidate real property, optimize the usage of Federal assets, and decrease the number of commercial leases and square footage within the Department's real property portfolio;

''(B) provide alternate housing and consolidation plans to increase efficiency through joint use of Department spaces while decreasing the cost of leased space;

''(C) concentrate on geographical areas with a significant Department presence, as identified by the Under Secretary for Management;

''(D) examine the establishment of central Department locations in each such geographical region and the co-location of Department components based on the mission sets and responsibilities of such components;

''(E) identify opportunities to reduce overhead costs through co-location or consolidation of real property interests or mission support activities, such as shared mail screening and processing, centralized transportation and shuttle services, regional transit benefit programs, common contracting for custodial and other services, and leveraging strategic sourcing contracts and sharing of specialized facilities, such as training facilities and resources;

''(F) manage the current Department Workspace Standard for Office Space in accordance with the Department office workspace design process to develop the most efficient and effective spaces within the workspace standard usable square foot ranges for all leased for office space entered into on or after the date of the enactment of this section, including the renewal of any leases for office space existing as of such date;

''(G) define, based on square footage, what constitutes a major real property acquisition;

''(H) prioritize actions to be taken to improve the operations and management of the Department's real property inventory, based on life-cycle cost estimations, in consultation with component heads;

''(I) include information on the headquarters consolidation project of the Department, including—

''(i) an updated list of the components and offices to be included in the project;

''(ii) a comprehensive assessment of the current and future real property required by the Department at the site; and

''(iii) updated cost and schedule estimates; and

''(J) include any additional information determined appropriate or relevant by the Under Secretary for Management.

''(2) SECOND STRATEGY.—The second 5-year strategy developed in accordance with subsection (a)(2) shall include information required in subparagraphs (A), (B), (C), (E), (F), (G), (H), (I), and (J) of paragraph (1) and information on the effectiveness of implementation efforts pursuant to the Department-wide policy required in accordance with subsection (c), including—

''(A) the impact of such implementation on departmental operations and costs; and

''(B) the degree to which the Department established central Department locations and co-located Department components pursuant to the results of the examination required by paragraph (1)(D).

''(c) IMPLEMENTATION POLICIES.—Not later than 90 days after the development of each of the regional real property strategies developed in accordance with subsection (a), the Under Secretary for Management shall develop or update, as applicable, a Department-wide policy implementing such strategies.

''(d) CERTIFICATIONS.—Subject to subsection (g)(3), the implementation policies developed pursuant to subsection (c) shall require component heads to certify to the Under Secretary for Management that such heads have complied with the requirements specified in subsection (b) before making any major real property decision or recommendation, as defined by the Under Secretary, including matters related to new leased space, renewing any existing leases, or agreeing to extend or newly occupy any Federal space or new construction, in accordance with the applicable regional real property strategy developed in accordance with subsection (a).

''(e) UNDERUTILIZED SPACE.—

''(1) IN GENERAL.—The implementation policies developed pursuant to subsection (c) shall require component heads, acting through regional property managers under subsection (f), to annually report to the Under Secretary for Management on underutilized space and identify space that may be made available for use, as applicable, by other components or Federal agencies.

''(2) EXCEPTION.—The Under Secretary for Management may grant an exception to the workspace standard usable square foot ranges described in subsection (b)(1)(F) for specific office locations at which a reduction or elimination of otherwise underutilized space would negatively impact a component's ability to execute its mission based on readiness performance measures or would increase the cost of such space.

''(3) UNDERUTILIZED SPACE DEFINED.—In this subsection, the term 'underutilized space' means any space with respect to which utilization is greater than the workplace standard usable square foot ranges described in subsection (b)(1)(F).

''(f) COMPONENT RESPONSIBILITIES.—

''(1) REGIONAL PROPERTY MANAGERS.—Each component head shall identify a senior career employee of each such component for each geographic region included in the regional real property strategies developed in accordance with subsection (a) to serve as each such component's regional property manager. Each such regional property manager shall serve as a single point of contact for Department headquarters and other Department components for all real property matters relating to each such component within the region in which each such component is located, and provide data and any other support necessary for the Department of Homeland Security Regional Mission Support Coordinator strategic asset and portfolio planning and execution.

''(2) DATA.—Regional property managers under paragraph (1) shall provide annually to the Under Secretary for Management, via a standardized and centralized system, data on each component's real property holdings, as specified by the Undersecretary for Management, including relating to underutilized space under subsection (e) (as such term is defined in such subsection), total square footage leased, annual cost, and total number of staff, for each geographic region included in the regional real property strategies developed in accordance with subsection (a).

''(g) ONGOING OVERSIGHT.—

''(1) IN GENERAL.—The Under Secretary for Management shall monitor components' adherence to the regional real property strategies developed in accordance with subsection (a) and the implementation policies developed pursuant to subsection (c).

''(2) ANNUAL REVIEW.—The Under Secretary for Management shall annually review the data submitted pursuant to subsection (f)(2) to ensure all underutilized space (as such term is defined in subsection (e)) is properly identified.

''(3) CERTIFICATION REVIEW.—The Under Secretary for Management shall review, and if appropriate, approve, component certifications under subsection (d) before such components may make any major real property decision, including matters related to new leased space, renewing any existing leases, or agreeing to extend or newly occupy any Federal space or new construction, in accordance with the applicable regional real property strategy developed in accordance with subsection (a).

''(4) CONGRESSIONAL REPORTING.—The Under Secretary for Management shall annually provide information to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Inspector General of the Department on the real property portfolio of the Department, including information relating to the following:

''(A) A summary of the Department's real property holdings in each region described in the regional strategies developed in accordance with subsection (a), and for each such property, information including the total square footage leased, the total cost, the total number of staff at each such property, and the square foot per person utilization rate for office space (and whether or not it conforms with the workspace standard usable square foot ranges established described in subsection (b)(1)(F)).

''(B) An accounting of all underutilized space (as such term is defined in subsection (e)).

''(C) An accounting of all instances in which the Department or its components consolidated their real property holdings or co-located with another entity within the Department.

''(D) A list of all certifications provided pursuant to subsection (d) and all such certifications approved pursuant to paragraph (3) of this subsection.

''(5) INSPECTOR GENERAL REVIEW.—Not later than 120 days after the last day of the fifth fiscal year covered in each of the initial and second regional real property strategies developed in accordance with subsection (a), the Inspector General of the Department shall review the information submitted pursuant to paragraph (4) and issue findings regarding the effectiveness of the implementation of the Department-wide policy and oversight efforts of the management of real property facilities, personal property, mobile assets, equipment and the Department's other material resources as required under this section.''.

(c) REPORTING.—The Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate copies of the regional strategies developed in accordance with section 713(a) of the Homeland Security Act of 2002, as added by this Act, not later than 90 days after the date of the development of each such strategy.

(d) RULES OF CONSTRUCTION.—Nothing in this Act or an amendment made by this Act shall be construed to effect, modify, or supersede—

(1) the responsibility of agencies for management of their real property holdings pursuant to title 40 of the United States Code; or

(2) the reporting requirements included in the Department of Homeland Security Headquarters Consolidation Accountability Act of 2015 (Public Law 114–150; 130 Stat. 366).

(e) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1108, is amended by inserting after the item relating to section 710 the following:

''Sec. 711. Annual submittal to Congress of information on reprogramming or transfers of funds to respond to operational surges.

''Sec. 712. Chief Facilities and Logistics Officer.

''Sec. 713. Long term real property strategies.''.

SEC. 1116. REPORT TO CONGRESS ON COST SAVINGS AND EFFICIENCY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the congressional homeland security committees (as defined in section 2 of the Homeland Security Act of 2002, as amended by this Act) a report that includes each of the following:

(1) A detailed accounting of the management and administrative expenditures and activities of each component of the Department of Homeland Security and identifies potential cost savings, avoidances, and efficiencies for those expenditures and activities.

(2) An examination of major physical assets of the Department of Homeland Security, as defined by the Secretary of Homeland Security.

(3) A review of the size, experience level, and geographic distribution of the operational personnel of the Department of Homeland Security.

(4) Recommendations for adjustments in the management and administration of the Department of Homeland Security that would reduce deficiencies in the capabilities of the Department of Homeland Security, reduce costs, and enhance efficiencies.

(b) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1117. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

(a) IN GENERAL.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended—

(1) in the title heading, by striking ''**DOMESTIC NUCLEAR DETECTION OFFICE**'' and inserting ''**COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE**'';

(2) by striking section 1901 and inserting the following:

''SEC. 1900. DEFINITIONS.

''In this title:

''(1) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

''(2) OFFICE.—The term 'Office' means the Countering Weapons of Mass Destruction Office established under section 1901(a).

''(3) WEAPON OF MASS DESTRUCTION.—The term 'weapon of mass destruction' has the meaning given the term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

''Subtitle A—Countering Weapons of Mass Destruction Office'';

''SEC. 1901. COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE.

''(a) ESTABLISHMENT.—There is established in the Department a Countering Weapons of Mass Destruction Office.

''(b) ASSISTANT SECRETARY.—The Office shall be headed by an Assistant Secretary for the Countering Weapons of Mass Destruction Office, who shall be appointed by the President.

''(c) RESPONSIBILITIES.—The Assistant Secretary shall serve as the Secretary's principal advisor on—

''(1) weapons of mass destruction matters and strategies; and

''(2) coordinating the efforts to counter weapons of mass destruction.'';

(3) by adding at the end the following:

''Subtitle B—Mission of the Office

''SEC. 1921. MISSION OF THE OFFICE.

''The Office shall be responsible for coordinating with other Federal efforts and developing departmental strategy and policy to plan, detect, or protect against the importation, possession, storage, transportation, development, or use of unauthorized chemical, biological, radiological, or nuclear materials, devices, or agents, in the United States and to protect against an attack using such materials, devices, or agents against the people, territory, or interests of the United States.

''SEC. 1922. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

''(a) IN GENERAL.—The authority of the Assistant Secretary under this title shall neither affect nor diminish the authority or the responsibility of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department or any Federal department or agency.

''(b) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Nothing in this title or any other provision of law may be construed to affect or reduce the responsibilities of the Federal Emergency Management Agency or the Administrator of the Agency, including the diversion of any asset, function, or mission of the Agency or the Administrator of the Agency.'';

(4) by striking section 1905;

(5) by redesignating sections 1902, 1903, 1904, 1906, and 1907 as sections 1923, 1924, 1925, 1926, and 1927, respectively, and transferring such sections to appear after section 1922, as added by paragraph (3);

(6) in section 1923, as so redesignated—

(A) in the section heading by striking ''**MISSION OF OFFICE**'' and inserting ''**RESPONSIBILITIES**''; and

(B) in subsection (a)(11), by striking ''Domestic Nuclear Detection Office'' and inserting ''Countering Weapons of Mass Destruction Office'';

(7) in section 1925(a), as so redesignated, by striking ''section 1902'' and inserting ''section 1923'';

(8) in section 1926, as so redesignated—

(A) by striking ''section 1902(a)'' each place it appears and inserting ''section 1923(a)''; and

(B) in the matter preceding paragraph (1), by striking ''Director for Domestic Nuclear Detection'' and inserting ''Assistant Secretary for the Countering Weapons of Mass Destruction Office''; and

(9) in section 1927, as so redesignated—

(A) in subsection (a)(1)(C), in the matter preceding clause (i), by striking ''Director of the Domestic Nuclear Detection Office'' and inserting ''Assistant Secretary for the Countering Weapons of Mass Destruction Office''; and

(B) in subsection (c), by striking ''section 1902'' and inserting ''section 1923''.

(b) REFERENCES AND CONSTRUCTION.—

(1) IN GENERAL.—Any reference in law, regulation, document, paper, or other record of the United States to—

(A) the Domestic Nuclear Detection Office shall be deemed to be a reference to the Countering Weapons of Mass Destruction Office; and

(B) the Director for Domestic Nuclear Detection shall be deemed to be a reference to the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(2) CONSTRUCTION.—Sections 1923 through 1927 of the Homeland Security Act of 2002, as so redesignated by subsection (a), shall be construed to cover the chemical and biological responsibilities of the Assistant Secretary for the Countering Weapons of Mass Destruction Office.

(3) AUTHORITY.—The authority of the Director of the Domestic Nuclear Detection Office to make grants is transferred to the Assistant Secretary for the Countering Weapons of Mass Destruction, and such authority shall be construed to include grants for all purposes of title XIX of the Homeland Security Act of 2002, as amended by this Act.

(c) CHIEF MEDICAL OFFICER.—

(1) REPEAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by striking section 516.

(2) AMENDMENT.—Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), as amended by subsection (a), is amended by adding at the end the following:

''Subtitle C—Chief Medical Officer

''SEC. 1931. CHIEF MEDICAL OFFICER.

''(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed by the Secretary. The Chief Medical Officer shall report to the Assistant Secretary.

''(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall be a licensed physician possessing a demonstrated ability in and knowledge of medicine and public health.

''(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters including—

''(1) serving as the principal advisor to the Secretary, the Assistant Secretary, and other Department officials on medical and public health issues;

''(2) providing operational medical support to all components of the Department;

''(3) as appropriate provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on operational medical issues;

''(4) coordinating with State, local, and tribal governments, the medical community, and others within and outside the Department, including the Department of Health and Human Services Centers for Disease Control, with respect to medical and public health matters; and

''(5) performing such other duties relating to such responsibilities as the Secretary may require.''.

(3) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 516.

(d) WORKFORCE HEALTH AND MEDICAL SUPPORT.—

(1) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1115, is amended by adding at the end the following:

''SEC. 714. WORKFORCE HEALTH AND MEDICAL SUPPORT.

''(a) IN GENERAL.—The Under Secretary for Management shall be responsible for workforce-focused health and medical activities of the Department. The Under Secretary for Management may further delegate these responsibilities as appropriate.

''(b) RESPONSIBILITIES.—The Under Secretary for Management, in coordination with the Chief Medical Officer, shall—

''(1) provide oversight and coordinate the medical and health activities of the Department for the human and animal personnel of the Department;

''(2) establish medical, health, veterinary, and occupational health exposure policy, guidance, strategies, and initiatives for the human and animal personnel of the Department;

''(3) as deemed appropriate by the Under Secretary, provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on occupational medical and public health issues;

''(4) serve as the primary representative for the Department on agreements regarding the detail of Department of Health and Human Services Public Health Service Commissioned Corps Officers to the Department, except that components and offices of the Department shall retain authority for funding, determination of specific duties, and supervision of Commissioned Corps officers detailed to a Department component; and

''(5) perform such other duties relating to such responsibilities as the Secretary may require.''.

(e) TRANSFERS; ABOLISHMENT.—

(1) TRANSFERS.—The Secretary of Homeland Security shall transfer—

(A) to the Countering Weapons of Mass Destruction Office all functions, personnel, budget authority, and assets of—

(i) the Domestic Nuclear Detection Office, as in existence on the day before the date of enactment of this Act; and

(ii) the Office of Health Affairs, as in existence on the day before the date of enactment of this Act, other than the functions, personnel, budget authority, and assets of such office necessary to perform the functions of section 714 of the Homeland Security Act of 2002, as added by this Act; and

(B) to the Directorate of Management all functions, personnel, budget authority, and assets of the Office of Health Affairs, as in existence on the day before the date of enactment of this Act, that are necessary to perform the functions of section 714 of the Homeland Security Act of 2002, as added by this Act.

(2) ABOLISHMENT.—Upon completion of all transfers pursuant to paragraph (1)—

(A) the Domestic Nuclear Detection Office of the Department of Homeland Security and the Office of Health Affairs of the Department of Homeland Security are abolished;

(B) the positions of Assistant Secretary for Health Affairs and Director for Domestic Nuclear Detection are abolished.

(f) CONFORMING AMENDMENTS.—

(1) OTHER OFFICERS.—Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(2) NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.—Section 316(a) of the Homeland Security Act of 2002 (6 U.S.C. 195b(a)) is amended by striking ''Secretary shall'' and inserting ''Secretary, acting through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall''.

(3) INTERNATIONAL COOPERATION.—Section 317(f) of the Homeland Security Act of 2002 (6 U.S.C. 195c(f)) is amended by striking ''the Chief Medical Officer,'' and inserting ''the Assistant Secretary for the Countering Weapons of Mass Destruction Office,''.

(4) FUNCTIONS TRANSFERRED.—Section 505(b) of the Homeland Security Act of 2002 (6 U.S.C. 315(b)) is amended—

(A) by striking paragraph (4);

(B) by redesignating paragraph (5) as paragraph (4); and

(C) in paragraph (4), as so redesignated, by striking ''through (4)'' and inserting ''through (3)''.

(5) COORDINATION OF DEPARTMENT OF HOMELAND SECURITY EFFORTS RELATED TO FOOD, AGRICULTURE, AND VETERINARY DEFENSE AGAINST TERRORISM.—Section 528(a) of the Homeland Security Act of 2002 (6 U.S.C. 321q(a)) is amended by striking ''Health Affairs,'' and inserting ''the Countering Weapons of Mass Destruction Office,''.

(g) DEPARTMENT OF HOMELAND SECURITY CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR ACTIVITIES.—Not later than 1 year after the date of enactment of this Act and once every year thereafter, the Secretary of Homeland Security shall provide a briefing and report to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) on—

(1) the organization and management of the chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including research and development activities, and the location of each activity under the organizational structure of the Countering Weapons of Mass Destruction Office;

(2) a comprehensive inventory of chemical, biological, radiological, and nuclear activities, including research and development activities, of the Department of Homeland Security, highlighting areas of collaboration between components, coordination with other agencies, and the effectiveness and accomplishments of consolidated chemical, biological, radiological, and nuclear activities of the Department of Homeland Security, including research and development activities;

(3) information relating to how the organizational structure of the Countering Weapons of Mass Destruction Office will enhance the development of chemical, biological, radiological, and nuclear priorities and capabilities across the Department of Homeland Security;

(4) a discussion of any resulting cost savings and efficiencies gained through activities described in paragraphs (1) and (2); and

(5) recommendations for any necessary statutory changes, or, if no statutory changes are necessary, an explanation of why no statutory or organizational changes are necessary.

(h) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by subsection (b), is amended—

(1) by inserting after the item relating to section 713 the following:

''Sec. 714. Workforce health and medical support.'';

and

(2) by striking the item relating to title XIX (including items relating to section 1901 through section 1907) and inserting the following:

''TITLE XIX—COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE

''Sec. 1900. Definitions.

''Subtitle A—Countering Weapons of Mass Destruction Office

''Sec. 1901. Countering Weapons of Mass Destruction Office.

''Subtitle B—Mission of the Office

''Sec. 1921. Mission of the Office.

''Sec. 1922. Relationship to other department entities and Federal agencies.

''Sec. 1923. Responsibilities.

''Sec. 1924. Hiring authority.

''Sec. 1925. Testing authority.

''Sec. 1926. Contracting and grant making authorities.

''Sec. 1927. Joint annual interagency review of global nuclear detection architecture.

''Subtitle C—Chief Medical Officer

''Sec. 1931. Chief Medical Officer.''.

(i) SUNSET.—

(1) DEFINITION.—In this subsection, the term ''sunset date'' means the date that is 5 years after the date of enactment of this Act.

(2) AMENDMENTS.—Effective on the sunset date:

(A) Title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) is amended—

(i) in the title heading, by striking ''**COUNTERING WEAPONS OF MASS DESTRUCTION OFFICE**'' and inserting ''**DOMESTIC NUCLEAR DETECTION OFFICE**'';

(ii) by striking section 1900 and all that follows through the end of section 1901 and inserting the following:

''SEC. 1901. DOMESTIC NUCLEAR DETECTION OFFICE.

''(a) ESTABLISHMENT.—There shall be established in the Department a Domestic Nuclear Detection Office (referred to in this title as the 'Office'). The Secretary may request that the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, the Nuclear Regulatory Commission, and the directors of other Federal agencies, including elements of the Intelligence Community, provide for the reimbursable detail of personnel with relevant expertise to the Office.

''(b) DIRECTOR.—The Office shall be headed by a Director for Domestic Nuclear Detection, who shall be appointed by the President.'';

(iii) by redesignating sections 1923, 1924, 1925, 1926, and 1927 as sections 1902, 1903, 1904, 1906, and 1907, respectively, and transferring such sections to appear after section 1901, as added by clause (ii);

(iv) in section 1902, as so redesignated—

(I) in the section heading by striking ''**RESPONSIBILITIES**'' and inserting ''**MISSION OF OFFICE**''; and

(II) in subsection (a)(11), by striking ''Countering Weapons of Mass Destruction Office'' and inserting ''Domestic Nuclear Detection Office'';

(v) in section 1904(a), as so redesignated, by striking ''section 1923'' and inserting ''section 1902'';

(vi) by inserting after section 1904, as redesignated and transferred by clause (iii), the following:

''SEC. 1905. RELATIONSHIP TO OTHER DEPARTMENT ENTITIES AND FEDERAL AGENCIES.

''The authority of the Director under this title shall not affect the authorities or responsibilities of any officer of the Department or of any officer of any other department or agency of the United States with respect to the command, control, or direction of the functions, personnel, funds, assets, and liabilities of any entity within the Department or any Federal department or agency.'';

(vii) in section 1906, as so redesignated—

(I) by striking ''section 1923(a)'' each place it appears and inserting ''section 1902(a)''; and

(II) in the matter preceding paragraph (1), by striking ''Assistant Secretary for the Countering Weapons of Mass Destruction Office'' and inserting ''Director for Domestic Nuclear Detection''; and

(viii) in section 1907, as so redesignated—

(I) in subsection (a)(1)(C), in the matter preceding clause (i), by striking ''Assistant Secretary for the Countering Weapons of Mass Destruction Office'' and inserting ''Director of the Domestic Nuclear Detection Office''; and

(II) in subsection (c), by striking ''section 1923'' and inserting ''section 1902''; and

(ix) by striking the heading for subtitle B and all that follows through the end of section 1931.

(B) Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by inserting after section 515 the following:

''SEC. 516. CHIEF MEDICAL OFFICER.

''(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed by the President.

''(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

''(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural disasters, acts of terrorism, and other man-made disasters, including—

''(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

''(2) coordinating the biodefense activities of the Department;

''(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

''(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

''(5) serving as the Department's primary point of contact for State, local, and tribal governments, the medical community, and others within and outside the Department, with respect to medical and public health matters;

''(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield; and

''(7) performing such other duties relating to such responsibilities as the Secretary may require.''.

(C) Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by striking section 714.

(D) Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

''(4) A Director for Domestic Nuclear Detection.''.

(E) Section 316(a) of the Homeland Security Act of 2002 (6 U.S.C. 195b(a)) is amended by striking '', acting through the Assistant Secretary for the Countering Weapons of Mass Destruction Office,''.

(F) Section 317(f) of the Homeland Security Act of 2002 (6 U.S.C. 195c(f)) is amended by striking ''the Assistant Secretary for the Countering Weapons of Mass Destruction Office,'' and inserting ''the Chief Medical Officer,''.

(G) Section 505(b) of the Homeland Security Act of 2002 (6 U.S.C. 315(b)) is amended—

(i) by redesignating paragraph (4) as paragraph (5);

(ii) by inserting after paragraph (3) the following:

''(4) The Office of the Chief Medical Officer.''; and

(iii) in paragraph (5), as so redesignated, by striking ''through (3)'' and inserting ''through (4)''.

(H) Section 528(a) of the Homeland Security Act of 2002 (6 U.S.C. 321q(a)) is amended by striking ''Health Affairs,'' and inserting ''the Countering Weapons of Mass Destruction Office,''.

(I) The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(i) by inserting after the item relating to section 515 the following:

''Sec. 516. Chief medical officer.'';

(ii) by striking the item relating to section 714; and

(iii) by striking the item relating to title XIX (including items relating to section 1900 through section 1931) and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.
''Sec. 1902. Mission of Office.
''Sec. 1903. Hiring authority.
''Sec. 1904. Testing authority.
''Sec. 1905. Relationship to other Department entities and Federal agencies.
''Sec. 1906. Contracting and grant making authorities.
''Sec. 1907. Joint annual interagency review of global nuclear detection architecture.''.

(3) THIS ACT.—Effective on the sunset date, subsections (a) through (h) of this section, and the amendments made by such subsections, shall have no force or effect.

(4) TRANSFERS; ABOLISHMENT.—

(A) TRANSFERS.—The Secretary of Homeland Security shall transfer—

(i) to the Domestic Nuclear Detection Office, all functions, personnel, budget authority, and assets of the Countering Weapons of Mass Destruction Office, as in existence on the day before the sunset date, except for the functions, personnel, budget authority, and assets that were transferred to the Countering Weapons of Mass Destruction Office under subsection (e)(1)(A)(i); and

(ii) to the Office of Health Affairs, the functions, personnel, budget authority, and assets that were transferred to the Countering Weapons of Mass Destruction Office under subsection (e)(1)(A)(ii) or to the Directorate of Management under subsection (e)(1)(B).

(B) ABOLISHMENT.—Upon completion of all transfers pursuant to subparagraph (A)—

(i) the Countering Weapons of Mass Destruction Office of the Department of Homeland Security is abolished; and

(ii) the position of Assistant Secretary for the Countering Weapons of Mass Destruction Office is abolished.

SEC. 1118. ACTIVITIES RELATED TO INTERNATIONAL AGREEMENTS; ACTIVITIES RELATED TO CHILDREN.

Section 708(c) of the Homeland Security Act of 2002, as so redesignated by section 1142 of this Act, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively;

(2) by inserting after paragraph (5) the following:

''(6) enter into agreements with governments of other countries, in consultation with the Secretary of State or the head of another agency, as appropriate, international organizations, and international nongovernmental organizations in order to achieve the missions of the Department;''; and

(3) in paragraph (7), as so redesignated, by inserting '', including feedback from organizations representing the needs of children,'' after ''stakeholder feedback''.

SEC. 1119. CANINE DETECTION RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 1601 of this Act, is amended by adding at the end the following:

''SEC. 321. CANINE DETECTION RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—In furtherance of domestic preparedness and response, the Secretary, acting through the Under Secretary for Science and Technology, and in consultation with other relevant executive agencies, relevant State, local, and tribal governments, and academic and industry stakeholders, shall, to the extent practicable, conduct research and development of canine detection technology to mitigate the risk of the threats of existing and emerging weapons of mass destruction.

''(b) SCOPE.—The scope of the research and development under subsection (a) may include the following:

''(1) Canine-based sensing technologies.

''(2) Chem-Bio defense technologies.

''(3) New dimensions of olfaction biology.

''(4) Novel chemical sensing technologies.

''(5) Advances in metabolomics and volatilomics.

''(6) Advances in gene therapy, phenomics, and molecular medicine.

''(7) Reproductive science and technology.

''(8) End user techniques, tactics, and procedures.

''(9) National security policies, standards and practices for canine sensing technologies.

''(10) Protective technology, medicine, and treatments for the canine detection platform.

''(11) Domestic capacity and standards development.

''(12) Emerging threat detection.

''(13) Training aids.

''(14) Genetic, behavioral, and physiological optimization of the canine detection platform.

''(c) COORDINATION AND COLLABORATION.—The Secretary, acting through the Under Secretary for Science and Technology, shall ensure research and development activities are conducted in coordination and collaboration with academia, all levels of government, and private sector stakeholders.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by this Act, is amended by inserting after the item relating to section 320 the following:

''Sec. 321. Canine detection research and development.''.

Subtitle B—Human Resources and Other Matters

SEC. 1131. CHIEF HUMAN CAPITAL OFFICER RESPONSIBILITIES.

Section 704 of the Homeland Security Act of 2002 (6 U.S.C. 344) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''and in line'' and inserting '', in line''; and

(ii) by inserting ''and informed by successful practices within the Federal Government and the private sector,'' after ''priorities,'';

(B) in paragraph (2), by striking ''develop performance measures to provide a basis for monitoring and evaluating'' and inserting ''develop performance measures to monitor and evaluate on an ongoing basis,'';

(C) in paragraph (4), by inserting ''including leader development and employee engagement programs,'' before ''in coordination'';

(D) by redesignating paragraphs (9) and (10) as paragraphs (14) and (15), respectively;

(E) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

(F) by inserting after paragraph (2) the following:

''(3) assess the need of administrative and mission support staff across the Department, to identify and eliminate the unnecessary use of mission-critical staff for administrative and mission support positions;'';

(G) in paragraph (6), as so redesignated, by inserting before the semicolon at the end the following: ''that is informed by appropriate workforce planning initiatives''; and

(H) by inserting after paragraph (9), as so redesignated, the following:

''(10) maintain a catalogue of available employee development opportunities easily accessible to employees of the Department, including departmental leadership development programs, interagency development programs, and rotational programs;

''(11) approve the selection and organizational placement of each senior human capital official of each component of the Department and participate in the periodic performance reviews of each such senior human capital official;

''(12) assess the success of the Department and the components of the Department regarding efforts to recruit and retain employees in rural and remote areas, and make policy recommendations as appropriate to the Secretary and to Congress;

''(13) develop performance measures to monitor and evaluate on an ongoing basis any significant contracts issued by the Department or a component of the Department to a private entity regarding the recruitment, hiring, or retention of employees;''.

SEC. 1132. EMPLOYEE ENGAGEMENT AND RETENTION ACTION PLAN.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1117, is amended by adding at the end the following:

''SEC. 715. EMPLOYEE ENGAGEMENT AND RETENTION ACTION PLAN.

''(a) IN GENERAL.—The Secretary shall—

''(1) not later than 180 days after the date of enactment of this section, and not later than September 30 of each fiscal year thereafter, issue a Department-wide employee engagement and retention action plan to inform and execute strategies for improving employee engagement, employee retention, Department management and leadership, diversity and inclusion efforts, employee morale, training and development opportunities, and communications within the Department, which shall reflect—

''(A) input from representatives from operational components, headquarters, and field personnel, including supervisory and non-supervisory personnel, and employee labor organizations that represent employees of the Department;

''(B) employee feedback provided through annual employee surveys, questionnaires, and other communications; and

''(C) performance measures, milestones, and objectives that reflect the priorities and strategies of the action plan to improve employee engagement and retention; and

''(2) require the head of each operational component of the Department to—

''(A) develop and implement a component-specific employee engagement and retention plan to advance the action plan required under paragraph (1) that includes performance measures and objectives, is informed by employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate, and sets forth how employees and, if applicable, their

labor representatives are to be integrated in developing programs and initiatives;

''(B) monitor progress on implementation of such action plan; and

''(C) provide to the Chief Human Capital Officer quarterly reports on actions planned and progress made under this paragraph.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the departmental or component leadership from developing innovative approaches and strategies to employee engagement or retention not specifically required under this section.

''(c) REPEAL.—This section shall be repealed on the date that is 5 years after the date of enactment of this section.''.

(b) CLERICAL AMENDMENT.—

(1) IN GENERAL.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1117, is amended by inserting after the item related to section 714 the following:

''Sec. 715. Employee engagement and retention plan.''.

(2) REPEAL.—The amendment made by paragraph (1) shall be repealed on the date that is 5 years after the date of enactment of this Act.

(c) SUBMISSIONS TO CONGRESS.—

(1) DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT ACTION PLAN.—Not later than 2 years after the date of enactment of this Act, and once 2 years thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the Department-wide employee engagement action plan required under section 715 of the Homeland Security Act of 2002, as added by subsection (a).

(2) COMPONENT-SPECIFIC EMPLOYEE ENGAGEMENT PLANS.—Each head of a component of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the component-specific employee engagement plan of each such component required under section 715(a)(2) of the Homeland Security Act of 2002 (as added by subsection (a)) not later than 30 days after the issuance of each such plan under such section 715(a)(2).

SEC. 1133. REPORT DISCUSSING SECRETARY'S RESPONSIBILITIES, PRIORITIES, AND AN ACCOUNTING OF THE DEPARTMENT'S WORK REGARDING ELECTION INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Homeland Security shall continue to prioritize the provision of assistance, as appropriate and on a voluntary basis, to State and local election officials in recognition of the importance of election infrastructure to the United States.

(b) REPORTS.—Not later than 1 year after the date of enactment of this Act, and once each year thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report detailing—

(1) the responsibilities of the Secretary of Homeland Security for coordinating the election infrastructure critical infrastructure subsector;

(2) the priorities of the Secretary of Homeland Security for enhancing the security of election infrastructure over the next 1- and 5-year periods that incorporates lessons learned, best practices, and obstacles from the previous year; and

(3) a summary of the election infrastructure work of the Department with each State, unit of local government, and tribal and territorial government, as well as with the Government Coordinating Council and the Sector Coordinating Council, and interaction with other Federal departments and agencies.

(c) FORM OF REPORTS.—Each report submitted under subsection (b) shall be unclassified, but may be accompanied by a classified annex, if necessary.

(d) INITIAL REPORT.—The first report submitted under subsection (b) shall examine the period beginning on January 6, 2017 through the required reporting period.

SEC. 1134. POLICY, GUIDANCE, TRAINING, AND COMMUNICATION REGARDING LAW ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—The Secretary of Homeland Security (in this section referred to as the ''Secretary'') shall conduct an inventory and assessment of training provided to all law enforcement personnel of the Department of Homeland Security (referred to in this section as the ''Department''), including use of force training, and develop and implement a strategic plan to—

(1) enhance, modernize, and expand training and continuing education for law enforcement personnel; and

(2) eliminate duplication and increase efficiencies in training and continuing education programs.

(b) FACTORS.—In carrying out subsection (a), the Secretary shall take into account the follow factors:

(1) The hours of training provided to law enforcement personnel and whether such hours should be increased.

(2) The hours of continuing education provided to law enforcement personnel, and whether such hours should be increased.

(3) The quality of training and continuing education programs and whether the programs are in line with current best practices and standards.

(4) The use of technology for training and continuing education purposes, and whether such technology should be modernized and expanded.

(5) Reviews of training and education programs by law enforcement personnel, and whether such programs maximize their ability to carry out the mission of their components and meet the highest standards of professionalism and integrity.

(6) Whether there is duplicative or overlapping training and continuing education programs, and whether such programs can be streamlined to reduce costs and increase efficiencies.

(c) INPUT.—The Secretary shall work with relevant components of the Department to take into account feedback provided by law enforcement personnel (including nonsupervisory personnel and employee labor organizations), community stakeholders, the Office of Science and Technology, and the Office for Civil Rights and Civil Liberties in carrying out the assessment of, and developing and implementing the strategic plan with respect to, training and continuing education programs under subsection (a).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Chairman and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate and the Chairman and Ranking Minority Member of the Committee on Homeland Security of the House of Representatives an evaluation of the assessment of, and the development and implementation of the strategic plan with respect to, training and continuing education programs under subsection (a).

(e) ASSESSMENT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Chairman and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate and the Chairman and Ranking Minority Member of the Committee on Homeland Security of the House of Representatives a report that evaluates the assessment of, and the development and implementation of the strategic plan with respect to, training and continuing education programs under subsection (a).

(f) TIMELY GUIDANCE, COMMUNICATIONS, AND TRAINING REGARDING POLICY CHANGES AFFECTING THE CONDUCT OF LAW ENFORCEMENT AND ENGAGEMENT WITH MEMBERS OF THE PUBLIC.—

(1) DEFINITION.—In this subsection, the term ''covered order'' means any executive order, guidance, directive, or memorandum that changes policies regarding the conduct of law enforcement or engagement with members of the public by law enforcement personnel.

(2) REQUIREMENTS.—The Secretary, in coordination with the head of each affected law enforcement component of the Department and in consultation with career executives in each affected component, shall—

(A) as expeditiously as possible, and not later than 45 days following the effective date of any covered order—

(i) publish written documents detailing plans for the implementation of the covered order;

(ii) develop and implement a strategy to communicate clearly with all law enforcement personnel actively engaged in core law enforcement activities, both in supervisory and nonsupervisory positions, and to provide prompt responses to questions and concerns raised by such personnel, about the covered order; and

(iii) develop and implement a detailed plan to ensure that all law enforcement personnel actively engaged in core law enforcement activities are sufficiently and appropriately trained on any new policies regarding the conduct of law enforcement or engagement with members of the public resulting from the covered order; and

(B) submit to the Chairman and Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate and the Chairman and Ranking Minority Member of the Committee on Homeland Security of the House of Representatives a report—

(i) not later than 30 days after the effective date of any covered order, that explains and provides a plan to remedy any delay in taking action under subparagraph (A); and

(ii) not later than 60 days after the effective date of any covered order, that describes the actions taken by the Secretary under subparagraph (A).

SEC. 1135. HACK DHS BUG BOUNTY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term ''bug bounty program'' means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of Internet-facing information technology of the Department in exchange for compensation.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given the term in section 11101 of title 40, United States Code.

(4) PILOT PROGRAM.—The term ''pilot program'' means the bug bounty pilot program required to be established under subsection (b)(1).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish, within the Office of the Chief Information Officer, a bug bounty pilot program to minimize vulnerabilities of Internet-facing information technology of the Department.

(2) REQUIREMENTS.—In establishing the pilot program, the Secretary shall—

(A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other Internet-facing information technology of the Department that are accessible to the public;

(B) award a competitive contract to an entity, as necessary, to manage the pilot program and for executing the remediation of vulnerabilities identified as a consequence of the pilot program;

(C) designate mission-critical operations within the Department that should be excluded from the pilot program;

(D) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of the pilot program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under the pilot program;

(E) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 ''Hack the Pentagon'' pilot program and subsequent Department of Defense bug bounty programs;

(F) develop an expeditious process by which an approved individual, organization, or company can register with the entity described in subparagraph (B), submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in the pilot program; and

(G) engage qualified interested persons, including non-government sector representatives, about the structure of the pilot program as constructive and to the extent practicable.

(c) REPORT.—Not later than 180 days after the date on which the pilot program is completed, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the pilot program, which shall include—

(1) the number of approved individuals, organizations, or companies involved in the pilot program, broken down by the number of approved individuals, organizations, or companies that—

(A) registered;

(B) were approved;

(C) submitted security vulnerabilities; and

(D) received compensation;

(2) the number and severity of vulnerabilities reported as part of the pilot program;

(3) the number of previously unidentified security vulnerabilities remediated as a result of the pilot program;

(4) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(5) the average length of time between the reporting of security vulnerabilities and remediation of the vulnerabilities;

(6) the types of compensation provided under the pilot program; and

(7) the lessons learned from the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department $250,000 for fiscal year 2018 to carry out this section.

SEC. 1136. COST SAVINGS ENHANCEMENTS.

(a) IN GENERAL.—

(1) AMENDMENT.—Subchapter II of chapter 45 of title 5, United States Code, is amended by inserting after section 4512 the following:

''§ 4512A. Department of Homeland Security awards for cost savings disclosures

''(a) In this section, the term 'surplus operations and support funds' means amounts made available for the operations and support account, or equivalent account, of the Department of Homeland Security, or a component thereof—

''(1) that are identified by an employee of the Department of Homeland Security under subsection (b) as unnecessary;

''(2) that the Inspector General of the Department of Homeland Security determines are not required for the purpose for which the amounts were made available;

''(3) that the Chief Financial Officer of the Department of Homeland Security determines are not required for the purpose for which the amounts were made available; and

''(4) the rescission of which would not be detrimental to the full execution of the purposes for which the amounts were made available.

''(b) The Inspector General of the Department of Homeland Security may pay a cash award to any employee of the Department of Homeland Security whose disclosure of fraud, waste, or mismanagement or identification of surplus operations and support funds to the Inspector General of the Department of Homeland Security has resulted in cost savings for the Department of Homeland Security. The amount of an award under this section may not exceed the lesser of—

''(1) $10,000; or

''(2) an amount equal to 1 percent of the Department of Homeland Security's cost savings which the Inspector General determines to be the total savings attributable to the employee's disclosure or identification.

For purposes of paragraph (2), the Inspector General may take into account Department of Homeland Security cost savings projected for subsequent fiscal years which will be attributable to such disclosure or identification.

''(c)(1) The Inspector General of the Department of Homeland Security shall refer to the Chief Financial Officer of the Department of Homeland Security any potential surplus operations and support funds identified by an employee that the Inspector General determines meets the requirements under paragraphs (2) and (4) of subsection (a), along with any recommendations of the Inspector General.

''(2)(A) If the Chief Financial Officer of the Department of Homeland Security determines that potential surplus operations and support funds referred under paragraph (1) meet the requirements under subsection (a), except as provided in subsection (d), the Secretary of Homeland Security shall transfer the amount of the surplus operations and support funds from the applicable appropriations account to the general fund of the Treasury.

''(B) Any amounts transferred under subparagraph (A) shall be deposited in the Treasury and used for deficit reduction, except that in the case of a fiscal year for which there is no Federal budget deficit, such amounts shall be used to reduce the Federal debt (in such manner as the Secretary of the Treasury considers appropriate).

''(3) The Inspector General of the Department of Homeland Security and the Chief Financial Officer of the Department of Homeland Security shall issue standards and definitions for purposes of making determinations relating to potential surplus operations and support funds identified by an employee under this subsection.

''(d)(1) The Secretary of Homeland Security may retain not more than 10 percent of amounts to be transferred to the general fund of the Treasury under subsection (c)(2).

''(2) Amounts retained by the Secretary of Homeland Security under paragraph (1) may be—

''(A) used for the purpose of paying a cash award under subsection (b) to one or more employees who identified the surplus operations and support funds; and

''(B) to the extent amounts remain after paying cash awards under subsection (b), transferred or reprogrammed for use by the Department of Homeland Security, in accordance with any limitation on such a transfer or reprogramming under any other provision of law.

''(e)(1) Not later than October 1 of each fiscal year, the Secretary of Homeland Security shall submit to the Secretary of the Treasury a report identifying the total savings achieved during the previous fiscal year through disclosures of possible fraud, waste, or mismanagement and identifications of surplus operations and support funds by an employee.

''(2) Not later than September 30 of each fiscal year, the Secretary of Homeland Security shall submit to the Secretary of the Treasury a report that, for the previous fiscal year—

''(A) describes each disclosure of possible fraud, waste, or mismanagement or identification of potentially surplus operations and support funds by an employee of the Department of Homeland Security determined by the Department of Homeland Security to have merit; and

''(B) provides the number and amount of cash awards by the Department of Homeland Security under subsection (b).

''(3) The Secretary of Homeland Security shall include the information described in paragraphs (1) and (2) in each budget request of the Department of Homeland Security submitted to the Office of Management and Budget as part of the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31.

''(4) The Secretary of the Treasury shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office an annual report on Federal cost saving and awards based on the reports submitted under paragraphs (1) and (2).

''(f) The Director of the Office of Personnel Management shall—

''(1) ensure that the cash award program of the Department of Homeland Security complies with this section; and

''(2) submit to Congress an annual certification indicating whether the cash award program of the Department of Homeland Security complies with this section.

''(g) Not later than 3 years after the date of enactment of this section, and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a report on the operation of the cost savings and awards program under this section, including any recommendations for legislative changes.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4512 the following:

''4512A. Department of Homeland Security awards for cost savings disclosures.''.

(3) SUNSET.—Effective 6 years after the date of enactment of this Act, subchapter II

of chapter 45 of title 5, United States Code, is amended—

(A) by striking section 4512A; and

(B) in the table of sections, by striking the item relating to section 4512A.

(b) OFFICERS ELIGIBLE FOR CASH AWARDS.—Section 4509 of title 5, United States Code, is amended—

(1) by inserting ''(a)'' before ''No officer''; and

(2) by adding at the end the following:

''(b) The Secretary of Homeland Security may not receive a cash award under this subchapter.''.

SEC. 1137. CYBERSECURITY RESEARCH AND DEVELOPMENT PROJECTS.

(a) CYBERSECURITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), as amended by section 1119 of this Act, is amended by adding at the end the following:

''SEC. 322. CYBERSECURITY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Under Secretary for Science and Technology shall support the research, development, testing, evaluation, and transition of cybersecurity technologies, including fundamental research to improve the sharing of information, information security, analytics, and methodologies related to cybersecurity risks and incidents, consistent with current law.

''(b) ACTIVITIES.—The research and development supported under subsection (a) shall serve the components of the Department and shall—

''(1) advance the development and accelerate the deployment of more secure information systems;

''(2) improve and create technologies for detecting and preventing attacks or intrusions, including real-time continuous diagnostics, real-time analytic technologies, and full life cycle information protection;

''(3) improve and create mitigation and recovery methodologies, including techniques and policies for real-time containment of attacks and development of resilient networks and information systems;

''(4) assist the development and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

''(5) assist the development and support of technologies to reduce vulnerabilities in industrial control systems;

''(6) assist the development and support cyber forensics and attack attribution capabilities;

''(7) assist the development and accelerate the deployment of full information life cycle security technologies to enhance protection, control, and privacy of information to detect and prevent cybersecurity risks and incidents;

''(8) assist the development and accelerate the deployment of information security measures, in addition to perimeter-based protections;

''(9) assist the development and accelerate the deployment of technologies to detect improper information access by authorized users;

''(10) assist the development and accelerate the deployment of cryptographic technologies to protect information at rest, in transit, and in use;

''(11) assist the development and accelerate the deployment of methods to promote greater software assurance;

''(12) assist the development and accelerate the deployment of tools to securely and automatically update software and firmware in use, with limited or no necessary intervention by users and limited impact on concurrently operating systems and processes; and

''(13) assist in identifying and addressing unidentified or future cybersecurity threats.

''(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

''(1) the Director of Cybersecurity and Infrastructure Security;

''(2) the heads of other relevant Federal departments and agencies, as appropriate; and

''(3) industry and academia.

''(d) TRANSITION TO PRACTICE.—The Under Secretary for Science and Technology shall—

''(1) support projects carried out under this title through the full life cycle of such projects, including research, development, testing, evaluation, pilots, and transitions;

''(2) identify mature technologies that address existing or imminent cybersecurity gaps in public or private information systems and networks of information systems, protect sensitive information within and outside networks of information systems, identify and support necessary improvements identified during pilot programs and testing and evaluation activities, and introduce new cybersecurity technologies throughout the homeland security enterprise through partnerships and commercialization; and

''(3) target federally funded cybersecurity research that demonstrates a high probability of successful transition to the commercial market within 2 years and that is expected to have a notable impact on the public or private information systems and networks of information systems.

''(e) DEFINITIONS.—In this section:

''(1) CYBERSECURITY RISK.—The term 'cybersecurity risk' has the meaning given the term in section 2209.

''(2) HOMELAND SECURITY ENTERPRISE.—The term 'homeland security enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.

''(3) INCIDENT.—The term 'incident' has the meaning given the term in section 2209.

''(4) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

''(5) SOFTWARE ASSURANCE.—The term 'software assurance' means confidence that software—

''(A) is free from vulnerabilities, either intentionally designed into the software or accidentally inserted at any time during the life cycle of the software; and

''(B) functioning in the intended manner.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by this Act, is amended by inserting after the item relating to section 321 the following:

''Sec. 322. Cybersecurity research and development.''.

(b) RESEARCH AND DEVELOPMENT PROJECTS.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''2017'' and inserting ''2022''; and

(B) in paragraph (2), by striking ''under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160). In applying the authorities of that section 845, subsection (c) of that section shall apply with respect to prototype projects under this paragraph, and the Secretary shall perform the functions of the Secretary of Defense under subsection (d) thereof'' and inserting ''under section 2371b of title 10, United States Code, and the Secretary shall perform the functions of the Secretary of Defense as prescribed.'';

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2017'' and inserting ''2022''; and

(B) by amending paragraph (2) to read as follows:

''(2) REPORT.—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the projects for which the authority granted by subsection (a) was utilized, the rationale for such utilizations, the funds spent utilizing such authority, the extent of cost-sharing for such projects among Federal and non-Federal sources, the extent to which utilization of such authority has addressed a homeland security capability gap or threat to the homeland identified by the Department, the total amount of payments, if any, that were received by the Federal Government as a result of the utilization of such authority during the period covered by each such report, the outcome of each project for which such authority was utilized, and the results of any audits of such projects.'';

(3) in subsection (d), by striking ''as defined in section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note)'' and inserting ''as defined in section 2371b(e) of title 10, United States Code.''; and

(4) by adding at the end the following:

''(e) TRAINING.—The Secretary shall develop a training program for acquisitions staff on the utilization of the authority provided under subsection (a) to ensure accountability and effective management of projects consistent with the Program Management Improvement Accountability Act (Public Law 114–264; 130 Stat. 1371) and the amendments made by such Act.''.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this section and the amendments made by this section. Such requirements shall be carried out using amounts otherwise authorized.

SEC. 1138. CYBERSECURITY TALENT EXCHANGE.

(a) DEFINITIONS.—In this section—

(1) the term ''congressional homeland security committees'' means—

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

(B) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives;

(2) the term ''Department'' means the Department of Homeland Security; and

(3) the term ''Secretary'' means the Secretary of Homeland Security.

(b) CYBERSECURITY TALENT EXCHANGE PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall commence carrying out a cybersecurity talent exchange pilot program.

(2) DELEGATION.—The Secretary may delegate any authority under this section to the Director of the Cybersecurity and Infrastructure Security Agency of the Department.

(c) APPOINTMENT AUTHORITY.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary for the purpose of carrying out the pilot program established under subsection (b), the Secretary may,

with the agreement of a private-sector organization and the consent of the employee, arrange for the temporary assignment of an employee to the private-sector organization, or from the private-sector organization to a Department organization under this section.

(2) ELIGIBLE EMPLOYEES.—Employees participating in the pilot program established under subsection (b) shall have significant education, skills, or experience relating to cybersecurity.

(3) AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall provide for a written agreement among the Department, the private-sector organization, and the employee concerned regarding the terms and conditions of the assignment of the employee under this section, which—

(i) shall require that the employee of the Department, upon completion of the assignment, will serve in the Department, or elsewhere in the civil service if approved by the Secretary, for a period equal to twice the length of the assignment;

(ii) shall provide that if the employee of the Department or of the private-sector organization, as the case may be, fails to carry out the agreement, the employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary;

(iii) shall contain language ensuring that the employee of the Department does not improperly use pre-decisional or draft deliberative information that the employee may be privy to or aware of related to Department programing, budgeting, resourcing, acquisition, or procurement for the benefit or advantage of the private-sector organization; and

(iv) shall cover matters relating to confidentiality, intellectual property rights, and such other matters as the Secretary considers appropriate.

(B) LIABILITY.—An amount for which an employee is liable under subparagraph (A)(ii) shall be treated as a debt due the United States.

(C) WAIVER.—The Secretary may waive, in whole or in part, collection of a debt described in subparagraph (B) based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

(4) TERMINATION.—An assignment under this subsection may, at any time and for any reason, be terminated by the Department or the private-sector organization concerned.

(5) DURATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an assignment under this subsection shall be for a period of not less than 3 months and not more than 2 years, and renewable up to a total of 4 years.

(B) EXCEPTION.—An assignment under this subsection may be for a period in excess of 2 years, but not more than 4 years, if the Secretary determines that the assignment is necessary to meet critical mission or program requirements.

(C) LIMITATION.—No employee of the Department may be assigned under this subsection for more than a total of 4 years inclusive of all assignments.

(6) STATUS OF FEDERAL EMPLOYEES ASSIGNED TO PRIVATE-SECTOR ORGANIZATIONS.—

(A) IN GENERAL.—An employee of the Department who is assigned to a private-sector organization under this subsection shall be considered, during the period of assignment, to be on detail to a regular work assignment in the Department for all purposes.

(B) WRITTEN AGREEMENT.—The written agreement established under paragraph (3) shall address the specific terms and conditions related to the continued status of the employee as a Federal employee.

(C) CERTIFICATION.—In establishing a temporary assignment of an employee of the Department to a private-sector organization, the Secretary shall—

(i) ensure that the normal duties and functions of the employee can be reasonably performed by other employees of the Department without the transfer or reassignment of other personnel of the Department; and

(ii) certify that the temporary assignment of the employee shall not have an adverse or negative impact on organizational capabilities associated with the assignment.

(7) TERMS AND CONDITIONS FOR PRIVATE-SECTOR EMPLOYEES.—An employee of a private-sector organization who is assigned to a Department organization under this subsection—

(A) shall continue to receive pay and benefits from the private-sector organization from which the employee is assigned and shall not receive pay or benefits from the Department, except as provided in subparagraph (B);

(B) is deemed to be an employee of the Department for the purposes of—

(i) chapters 73 and 81 of title 5, United States Code;

(ii) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(iii) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(iv) chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'') and any other Federal tort liability statute;

(v) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(vi) chapter 21 of title 41, United States Code;

(C) shall not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private-sector organization from which the employee is assigned;

(D) may perform work that is considered inherently governmental in nature only when requested in writing by the Secretary; and

(E) may not be used to circumvent any limitation or restriction on the size of the workforce of the Department.

(8) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge the Department or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department organization under this subsection for the period of the assignment.

(9) EXPENSES.—

(A) IN GENERAL.—The Secretary may pay for travel and other work-related expenses associated with individuals participating in the pilot program established under subsection (b). The Secretary shall not pay for lodging or per diem expenses for employees of a private sector organization, unless such expenses are in furtherance of work-related travel other than participating in the pilot program.

(B) BACKGROUND INVESTIGATION.—A private person supporting an individual participating in the pilot program may pay for a background investigation associated with the participation of the individual in the pilot program.

(10) MAXIMUM NUMBER OF PARTICIPANTS.—Not more than 250 individuals may concurrently participate in the pilot program established under subsection (b).

(d) DETAILING OF PARTICIPANTS.—With the consent of an individual participating in the pilot program established under subsection (b), the Secretary may, under the pilot program, detail the individual to another Federal department or agency.

(e) SUNSET.—The pilot program established under subsection (b) shall terminate on the date that is 7 years after the date of enactment of this Act.

(f) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the congressional homeland security committees a preliminary report describing the implementation of the pilot program established under subsection (b), including the number of participating employees from the Department and from private sector organizations, the departmental missions or programs carried out by employees participating in the pilot program, and recommendations to maximize efficiencies and the effectiveness of the pilot program in order to support Department cybersecurity missions and objectives.

(2) FINAL REPORT.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the congressional homeland security committees a final report describing the implementation of the pilot program established under subsection (b), including the number of participating employees from the Department and from private sector organizations, the departmental missions or programs carried out by employees participating in the pilot program, and providing a recommendation on whether the pilot program should be made permanent.

Subtitle C—Other Matters

SEC. 1141. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

Paragraph (2) of section 431(c) of the Tariff Act of 1930 (19 U.S.C. 1431(c)) is amended to read as follows:

''(2)(A) The information listed in paragraph (1) shall not be available for public disclosure if—

''(i) the Secretary of the Treasury makes an affirmative finding on a shipment-by-shipment basis that disclosure is likely to pose a threat of personal injury or property damage; or

''(ii) the information is exempt under the provisions of section 552(b)(1) of title 5, United States Code.

''(B) The Commissioner of U.S. Customs and Border Protection shall ensure that any personally identifiable information, including social security numbers, passport numbers, and residential addresses, is removed from any manifest signed, produced, delivered, or transmitted under this section before the manifest is disclosed to the public.''.

SEC. 1142. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEAL OF DIRECTOR OF SHARED SERVICES AND OFFICE OF COUNTERNARCOTICS ENFORCEMENT OF DEPARTMENT OF HOMELAND SECURITY.—

(1) ABOLISHMENT OF DIRECTOR OF SHARED SERVICES.—

(A) ABOLISHMENT.—The position of Director of Shared Services of the Department of Homeland Security is abolished.

(B) CONFORMING AMENDMENT.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking section 475 (6 U.S.C. 295).

(C) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 475.

(2) ABOLISHMENT OF THE OFFICE OF COUNTERNARCOTICS ENFORCEMENT.—

(A) ABOLISHMENT.—The Office of Counternarcotics Enforcement is abolished.

(B) CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(i) in subparagraph (B) of section 843(b)(1) (6 U.S.C. 413(b)(1)), by striking ''by—'' and all that follows through the end of that subparagraph and inserting ''by the Secretary; and''; and

(ii) by striking section 878 (6 U.S.C. 458).

(C) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 878.

(b) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE I.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), as amended by this Act, is further amended—

(A) in subsection (a)(1)(E), by striking ''the Bureau of'' and inserting ''United States''; and

(B) in subsection (d)(4), as redesignated by section 1117(f), by striking ''section 708'' and inserting ''section 707''.

(2) TITLE VII.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended—

(A) in subsection (c) of section 702 (6 U.S.C. 342), as redesignated by section 1103, strike paragraph (4);

(B) by striking section 706 (6 U.S.C. 346);

(C) by redesignating sections 707, 708, and 709 as sections 706, 707, and 708, respectively; and

(D) in section 708(c)(3), as so redesignated, by striking ''section 707'' and inserting ''section 706''.

(3) TITLE VIII.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended—

(A) by striking section 857 (6 U.S.C. 427);

(B) by redesignating section 858 as section 857; and

(C) by striking section 881 (6 U.S.C. 461).

(4) TITLE XVI.—Section 1611(d)(1) of the Homeland Security Act of 2002 (6 U.S.C. 563(d)(1)) is amended by striking ''section 707'' and inserting ''section 706''.

(5) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(A) by striking the items relating to sections 706 through 709 and inserting the following:

''Sec. 706. Quadrennial homeland security review.
''Sec. 707. Joint task forces.
''Sec. 708. Office of Strategy, Policy, and Plans.'';

(B) by striking the items relating to sections 857 and 858 and inserting the following:

''Sec. 857. Identification of new entrants into the Federal marketplace.''; and

(C) by striking the item relating to section 881.

TITLE II—DEPARTMENT OF HOMELAND SECURITY ACQUISITION ACCOUNTABILITY AND EFFICIENCY

SEC. 1201. DEFINITIONS.

(a) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (14) through (20) as paragraphs (28) through (34), respectively;

(2) by redesignating paragraph (13) as paragraph (26);

(3) by redesignating paragraphs (9) through (12) as paragraphs (21) through (24), respectively;

(4) by redesignating paragraphs (4) through (8) as paragraphs (15) through (19), respectively;

(5) by redesignating paragraphs (1), (2), and (3) as paragraphs (7), (8), and (9), respectively;

(6) by inserting before paragraph (7), as so redesignated, the following:

''(1) The term 'acquisition' has the meaning given the term in section 131 of title 41, United States Code.

''(2) The term 'acquisition decision authority' means the authority held by the Secretary, acting through the Under Secretary for Management, to—

''(A) ensure compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives;

''(B) review, including approving, pausing, modifying, or canceling, an acquisition throughout the life cycle of the acquisition;

''(C) ensure that acquisition program managers have the resources necessary to successfully execute an approved acquisition program;

''(D) ensure good acquisition program management of cost, schedule, risk, and system performance of the acquisition program at issue, including assessing acquisition program baseline breaches and directing any corrective action for those breaches; and

''(E) ensure that acquisition program managers, on an ongoing basis, monitor cost, schedule, and performance against established baselines and use tools to assess risks to an acquisition program at all phases of the life cycle of the acquisition program to avoid and mitigate acquisition program baseline breaches.

''(3) The term 'acquisition decision event' means, with respect to an acquisition program, a predetermined point within each of the acquisition phases at which the person exercising the acquisition decision authority determines whether the acquisition program shall proceed to the next phase.

''(4) The term 'acquisition decision memorandum' means, with respect to an acquisition, the official acquisition decision event record that includes a documented record of decisions and assigned actions for the acquisition, as determined by the person exercising acquisition decision authority for the acquisition.

''(5) The term 'acquisition program' means the totality of activities directed to accomplish specific goals and objectives, which may—

''(A) provide new or improved capabilities in response to approved requirements or sustain existing capabilities; and

''(B) have multiple projects to obtain specific capability requirements or capital assets.

''(6) The term 'acquisition program baseline', with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which must be met in order to accomplish the goals of the program.'';

(7) by inserting after paragraph (9), as so redesignated, the following:

''(10) The term 'best practices', with respect to acquisition, means a knowledge-based approach to capability development that includes, at a minimum—

''(A) identifying and validating needs;

''(B) assessing alternatives to select the most appropriate solution;

''(C) establishing requirements;

''(D) developing cost estimates and schedules that consider the work necessary to develop, plan, support, and install a program or solution;

''(E) identifying sources of funding that match resources to requirements;

''(F) demonstrating technology, design, and manufacturing maturity;

''(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

''(H) adopting and executing standardized processes with known success across programs;

''(I) ensuring an adequate, well-trained, and diverse workforce that is qualified and sufficient in number to perform necessary functions;

''(J) developing innovative, effective, and efficient processes and strategies;

''(K) integrating risk management and mitigation techniques for national security considerations; and

''(L) integrating the capabilities described in subparagraphs (A) through (K) into the mission and business operations of the Department.

''(11) The term 'breach' means a failure to meet any cost, schedule, or performance threshold specified in the most recently approved acquisition program baseline.

''(12) The term 'congressional homeland security committees' means—

''(A) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

''(13) The term 'Component Acquisition Executive' means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure that statutory, regulatory, and higher level policy requirements are fulfilled, including compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management.

''(14) The term 'cost-type contract' means a contract that—

''(A) provides for payment of allowable incurred costs, to the extent prescribed in the contract; and

''(B) establishes an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the contractor may not exceed, except at the risk of the contractor, without the approval of the contracting officer.'';

(8) by inserting after paragraph (19), as so redesignated, the following:

''(20) The term 'fixed-price contract' means a contract that provides for a firm price or, in appropriate cases, an adjustable price.'';

(9) by inserting after paragraph (24), as so redesignated, the following:

''(25) The term 'life cycle cost' means the total cost of an acquisition, including all relevant costs related to acquiring, owning, operating, maintaining, and disposing of the system, project, service, or product over a specified period of time.''; and

(10) by inserting after paragraph (26), as so redesignated, the following:

''(27) The term 'major acquisition program' means a Department acquisition program that is estimated by the Secretary or a designee of the Secretary to require an eventual total expenditure of not less than $300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the program.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Paragraph (14) of section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311), as amended by section 1451, is amended by striking ''section 2(13)(B)'' and inserting ''section 2(26)(B)''.

Subtitle A—Acquisition Authorities

SEC. 1211. ACQUISITION AUTHORITIES FOR UNDER SECRETARY FOR MANAGEMENT OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)(2), by inserting ''and acquisition management'' after ''Procurement'';

(2) by redesignating subsection (d), the first subsection (e) (relating to the system for award management consultation), and the second subsection (e) (relating to the definition of interoperable communications) as subsections (e), (f), and (g), respectively; and

(3) by inserting after subsection (c) the following:

''(d) ACQUISITION AND RELATED RESPONSIBILITIES.—

''(1) IN GENERAL.—Notwithstanding subsection (a) of section 1702 of title 41, United States Code, the Under Secretary for Management—

''(A) is the Chief Acquisition Officer of the Department;

''(B) shall have the authorities and perform the functions specified in subsection (b) of such section; and

''(C) shall perform all other functions and responsibilities delegated by the Secretary or described in this subsection.

''(2) FUNCTIONS AND RESPONSIBILITIES.—In addition to the authorities and functions specified in section 1702(b) of title 41, United States Code, the functions and responsibilities of the Under Secretary for Management related to acquisition include the following:

''(A) Advising the Secretary regarding acquisition management activities, taking into account risks of failure to achieve cost, schedule, or performance parameters, to ensure that the Department achieves the mission of the Department through the adoption of widely accepted program management best practices and standards and, where appropriate, acquisition innovation best practices.

''(B) Leading the acquisition oversight body of the Department, the Acquisition Review Board, and exercising the acquisition decision authority to approve, pause, modify, including the rescission of approvals of program milestones, or cancel major acquisition programs, unless the Under Secretary delegates that authority to a Component Acquisition Executive pursuant to paragraph (3).

''(C) Establishing policies for acquisition that implement an approach that takes into account risks of failure to achieve cost, schedule, or performance parameters that all components of the Department shall comply with, including outlining relevant authorities for program managers to effectively manage acquisition programs.

''(D) Ensuring that each major acquisition program has a Department-approved acquisition program baseline pursuant to the acquisition management policy of the Department.

''(E) Ensuring that the heads of components and Component Acquisition Executives comply with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives.

''(F) Providing additional scrutiny and oversight for an acquisition that is not a major acquisition if—

''(i) the acquisition is for a program that is important to departmental strategic and performance plans;

''(ii) the acquisition is for a program with significant program or policy implications; and

''(iii) the Secretary determines that the scrutiny and oversight for the acquisition is proper and necessary.

''(G) Ensuring that grants and financial assistance are provided only to individuals and organizations that are not suspended or debarred.

''(H) Distributing guidance throughout the Department to ensure that contractors involved in acquisitions, particularly contractors that access the information systems and technologies of the Department, adhere to relevant Department policies related to physical and information security as identified by the Under Secretary for Management.

''(I) Overseeing the Component Acquisition Executive organizational structure to ensure Component Acquisition Executives have sufficient capabilities and comply with Department acquisition policies.

''(J) Ensuring acquisition decision memoranda adequately document decisions made at acquisition decision events, including the rationale for decisions made to allow programs to deviate from the requirement to obtain approval by the Department for certain documents at acquisition decision events.

''(3) DELEGATION OF ACQUISITION DECISION AUTHORITY.—

''(A) LEVEL 3 ACQUISITIONS.—The Under Secretary for Management may delegate acquisition decision authority in writing to the relevant Component Acquisition Executive for an acquisition program that has a life cycle cost estimate of less than $300,000,000.

''(B) LEVEL 2 ACQUISITIONS.—The Under Secretary for Management may delegate acquisition decision authority in writing to the relevant Component Acquisition Executive for a major acquisition program that has a life cycle cost estimate of not less than $300,000,000 but not more than $1,000,000,000 if all of the following requirements are met:

''(i) The component concerned possesses working policies, processes, and procedures that are consistent with Department-level acquisition policy.

''(ii) The Component Acquisition Executive concerned has a well-trained and experienced workforce, commensurate with the size of the acquisition program and related activities delegated to the Component Acquisition Executive by the Under Secretary for Management.

''(iii) Each major acquisition concerned has written documentation showing that the acquisition has a Department-approved acquisition program baseline and the acquisition is meeting agreed-upon cost, schedule, and performance thresholds.

''(4) RELATIONSHIP TO UNDER SECRETARY FOR SCIENCE AND TECHNOLOGY.—

''(A) IN GENERAL.—Nothing in this subsection shall diminish the authority granted to the Under Secretary for Science and Technology under this Act. The Under Secretary for Management and the Under Secretary for Science and Technology shall cooperate in matters related to the coordination of acquisitions across the Department so that investments of the Directorate of Science and Technology are able to support current and future requirements of the components of the Department.

''(B) TESTING AND EVALUATION ACQUISITION SUPPORT.—The Under Secretary for Science and Technology shall—

''(i) ensure, in coordination with relevant component heads, that all relevant acquisition programs—

''(I) complete reviews of operational requirements to ensure the requirements are measurable, testable, and achievable within the constraints of cost and schedule;

''(II) integrate applicable standards into development specifications;

''(III) complete systems engineering reviews and technical assessments during development to inform production and deployment decisions;

''(IV) complete independent testing and evaluation of technologies and systems;

''(V) use independent verification and validation of operational testing and evaluation implementation and results; and

''(VI) document whether such programs meet all performance requirements included in their acquisition program baselines;

''(ii) ensure that such operational testing and evaluation includes all system components and incorporates operators into the testing to ensure that systems perform as intended in the appropriate operational setting; and

''(iii) determine if testing conducted by other Federal agencies and private entities is relevant and sufficient in determining whether systems perform as intended in the operational setting.''.

SEC. 1212. ACQUISITION AUTHORITIES FOR CHIEF FINANCIAL OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended—

(1) by striking ''The Chief'' and inserting the following:

''(1) FUNCTIONS.—The Chief''; and

(2) by adding at the end the following:

''(2) ACQUISITION AUTHORITIES.—The Chief Financial Officer, in coordination with the Under Secretary for Management, shall oversee the costs of acquisition programs and related activities to ensure that actual and planned costs are in accordance with budget estimates and are affordable, or can be adequately funded, over the life cycle of such programs and activities.''.

SEC. 1213. ACQUISITION AUTHORITIES FOR CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343), as amended by section 1104, is amended by adding at the end the following:

''(d) ACQUISITION RESPONSIBILITIES.—The acquisition responsibilities of the Chief Information Officer shall include—

''(1) overseeing the management of the Homeland Security Enterprise Architecture and ensuring that, before each acquisition decision event, approved information technology acquisitions comply with departmental information technology management processes, technical requirements, and the Homeland Security Enterprise Architecture, and in any case in which information technology acquisitions do not comply with the management directives of the Department, making recommendations to the Acquisition Review Board regarding that noncompliance; and

''(2) being responsible for—

''(A) providing recommendations to the Acquisition Review Board regarding information technology programs; and

''(B) developing information technology acquisition strategic guidance.''.

SEC. 1214. ACQUISITION AUTHORITIES FOR PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.), as amended by section 1132, is amended by adding at the end the following:

''SEC. 716. ACQUISITION AUTHORITIES FOR PROGRAM ACCOUNTABILITY AND RISK MANAGEMENT.

''(a) ESTABLISHMENT OF OFFICE.—There is in the Management Directorate of the Department an office to be known as 'Program Accountability and Risk Management', which shall—

''(1) provide accountability, standardization, and transparency of major acquisition programs of the Department; and

''(2) serve as the central oversight function for all Department acquisition programs.

''(b) RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—The Program Accountability and Risk Management shall be led by an Executive Director to oversee the requirement under subsection (a), who shall report directly to the Under Secretary for Management, serve as the executive secretary for the Acquisition Review Board, and carry out the following responsibilities:

''(1) Monitor the performance of Department acquisition programs between acquisition decision events to identify problems with cost, performance, or schedule that components may need to address to prevent cost overruns, performance issues, or schedule delays.

''(2) Assist the Under Secretary for Management in managing the acquisition programs and related activities of the Department.

''(3) Conduct oversight of individual acquisition programs to implement Department acquisition program policy, procedures, and guidance with a priority on ensuring the data the office collects and maintains from Department components is accurate and reliable.

''(4) Coordinate the acquisition life cycle review process for the Acquisition Review Board.

''(5) Advise the persons having acquisition decision authority in making acquisition decisions consistent with all applicable laws and in establishing lines of authority, accountability, and responsibility for acquisition decision making within the Department.

''(6) Support the Chief Procurement Officer in developing strategies and specific plans for hiring, training, and professional development in order to improve the acquisition workforce of the Department.

''(7) In consultation with Component Acquisition Executives—

''(A) develop standards for the designation of key acquisition positions with major acquisition program management offices and on the Component Acquisition Executive support staff; and

''(B) provide requirements and support to the Chief Procurement Officer in the planning, development, and maintenance of the Acquisition Career Management Program of the Department.

''(8) In the event that a certification or action of an acquisition program manager needs review for purposes of promotion or removal, provide input, in consultation with the relevant Component Acquisition Executive, into the performance evaluation of the relevant acquisition program manager and report positive or negative experiences to the relevant certifying authority.

''(9) Provide technical support and assistance to Department acquisition programs and acquisition personnel and coordinate with the Chief Procurement Officer on workforce training and development activities.

''(c) RESPONSIBILITIES OF COMPONENTS.—Each head of a component shall—

''(1) comply with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management; and

''(2) for each major acquisition program—

''(A) define baseline requirements and document changes to such requirements, as appropriate;

''(B) develop a life cycle cost estimate that is consistent with best practices identified by the Comptroller General of the United States and establish a complete life cycle cost estimate with supporting documentation, including an acquisition program baseline;

''(C) verify each life cycle cost estimate against independent cost estimates, and reconcile any differences;

''(D) complete a cost-benefit analysis with supporting documentation;

''(E) develop and maintain a schedule that is consistent with scheduling best practices as identified by the Comptroller General of the United States, including, in appropriate cases, an integrated master schedule; and

''(F) ensure that all acquisition program information provided by the component is complete, accurate, timely, and valid.

''SEC. 717. ACQUISITION DOCUMENTATION.

''(a) IN GENERAL.—For each major acquisition program, the Secretary, acting through the Under Secretary for Management, shall require the head of a relevant component or office to—

''(1) maintain acquisition documentation that is complete, accurate, timely, and valid, and that includes, at a minimum—

''(A) operational requirements that are validated consistent with departmental policy and changes to those requirements, as appropriate;

''(B) a complete life cycle cost estimate with supporting documentation;

''(C) verification of the life cycle cost estimate against independent cost estimates, and reconciliation of any differences;

''(D) a cost-benefit analysis with supporting documentation; and

''(E) a schedule, including, as appropriate, an integrated master schedule;

''(2) prepare cost estimates and schedules for major acquisition programs under subparagraphs (B) and (E) of paragraph (1) in a manner consistent with best practices as identified by the Comptroller General of the United States; and

''(3) submit certain acquisition documentation to the Secretary to produce a semi-annual Acquisition Program Health Assessment of departmental acquisitions for submission to Congress.

''(b) WAIVER.—The Secretary may waive the requirement under subsection (a)(3) on a case-by-case basis with respect to any major acquisition program under this section for a fiscal year if—

''(1) the major acquisition program has not—

''(A) entered the full rate production phase in the acquisition life cycle;

''(B) had a reasonable cost estimate established; and

''(C) had a system configuration defined fully; or

''(2) the major acquisition program does not meet the definition of capital asset, as defined by the Director of the Office of Management and Budget.

''(c) CONGRESSIONAL OVERSIGHT.—At the same time the budget of the President is submitted for a fiscal year under section 1105(a) of title 31, United States Code, the Secretary shall make information available, as applicable, to the congressional homeland security committees regarding the requirement described in subsection (a) in the prior fiscal year that includes, with respect to each major acquisition program for which the Secretary has issued a waiver under subsection (b)—

''(1) the grounds for granting a waiver for the program;

''(2) the projected cost of the program;

''(3) the proportion of the annual acquisition budget of each component or office attributed to the program, as available; and

''(4) information on the significance of the program with respect to the operations and the execution of the mission of each component or office described in paragraph (3).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1132, is amended by inserting after the item relating to section 715 the following:

''Sec. 716. Acquisition authorities for Program Accountability and Risk Management.

''Sec. 717. Acquisition documentation.''.

SEC. 1215. ACQUISITION INNOVATION.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) as amended by section 1214, is amended by adding at the end the following:

''SEC. 718. ACQUISITION INNOVATION.

''The Under Secretary for Management shall—

''(1) encourage each of the officers under the direction of the Under Secretary for Management to promote innovation and shall designate an individual to promote innovation;

''(2) establish an acquisition innovation lab or similar mechanism to improve the acquisition programs, acquisition workforce training, and existing practices of the Department through methods identified in this section;

''(3) test emerging and established acquisition best practices for carrying out acquisitions, consistent with applicable laws, regulations, and Department directives, as appropriate;

''(4) develop and distribute best practices and lessons learned regarding acquisition innovation throughout the Department;

''(5) establish metrics to measure the effectiveness of acquisition innovation efforts with respect to cost, operational efficiency of the acquisition program, including timeframes for executing contracts, and collaboration with the private sector, including small- and medium-sized businesses; and

''(6) determine impacts of acquisition innovation efforts on the private sector by—

''(A) engaging with the private sector, including small- and medium-sized businesses, to provide information and obtain feedback on procurement practices and acquisition innovation efforts of the Department;

''(B) obtaining feedback from the private sector on the impact of acquisition innovation efforts of the Department; and

''(C) incorporating the feedback described in subparagraphs (A) and (B), as appropriate, into future acquisition innovation efforts of the Department.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1214, is amended by inserting after the item relating to section 717 the following:

''Sec. 718. Acquisition innovation.''.

(c) INFORMATION.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''congressional homeland security committees'' means—

(i) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate; and

(B) the term ''Department'' means the Department of Homeland Security.

(2) REQUIREMENT.—Not later than 90 days after the date on which the Secretary of Homeland Security submits the annual budget justification for the Department for fiscal year 2020 and every fiscal year thereafter through fiscal year 2025, the officers under the director of the Under Secretary for Management of the Department shall provide a briefing to the congressional homeland security committees on the activities undertaken in the previous fiscal year in furtherance of section 718 of the Homeland Security

Act of 2002, as added by subsection (a), which shall include:

(A) Emerging and existing acquisition best practices that were tested within the Department during that fiscal year.

(B) Efforts to distribute best practices and lessons learned within the Department, including through web-based seminars, training, and forums, during that fiscal year.

(C) Metrics captured by the Department and aggregate performance information for innovation efforts.

(D) Performance as measured by the metrics established under paragraph (5) of such section 718.

(E) Outcomes of efforts to distribute best practices and lessons learned within the Department, including through web-based seminars, training, and forums.

(F) A description of outreach and engagement efforts with the private sector and any impacts of innovative acquisition mechanisms on the private sector, including small- and medium-sized businesses.

(G) The criteria used to identify specific acquisition programs or activities to be included in acquisition innovation efforts and the outcomes of those programs or activities.

(H) Recommendations, as necessary, to enhance acquisition innovation in the Department.

Subtitle B—Acquisition Program Management Discipline

SEC. 1221. ACQUISITION REVIEW BOARD.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 836. ACQUISITION REVIEW BOARD.

''(a) IN GENERAL.—The Secretary shall establish an Acquisition Review Board (in this section referred to as the 'Board') to—

''(1) strengthen accountability and uniformity within the Department acquisition review process;

''(2) review major acquisition programs; and

''(3) review the use of best practices.

''(b) COMPOSITION.—

''(1) CHAIRPERSON.—The Under Secretary for Management shall serve as chairperson of the Board.

''(2) OTHER MEMBERS.—The Secretary shall ensure participation by other relevant Department officials.

''(c) MEETINGS.—

''(1) REGULAR MEETINGS.—The Board shall meet regularly for purposes of ensuring all acquisition programs proceed in a timely fashion to achieve mission readiness.

''(2) OTHER MEETINGS.—The Board shall convene—

''(A) at the discretion of the Secretary; and

''(B) at any time—

''(i) a major acquisition program—

''(I) requires authorization to proceed from one acquisition decision event to another throughout the acquisition life cycle;

''(II) is in breach of the approved acquisition program baseline of the major acquisition program; or

''(III) requires additional review, as determined by the Under Secretary for Management; or

''(ii) a non-major acquisition program requires review, as determined by the Under Secretary for Management.

''(d) RESPONSIBILITIES.—The responsibilities of the Board are as follows:

''(1) Determine whether a proposed acquisition program has met the requirements of phases of the acquisition life cycle framework and is able to proceed to the next phase and eventual full production and deployment.

''(2) Oversee whether the business strategy, resources, management, and accountability of a proposed acquisition are executable and are aligned to strategic initiatives.

''(3) Support the person with acquisition decision authority for an acquisition program in determining the appropriate direction for the acquisition at key acquisition decision events.

''(4) Conduct reviews of acquisitions to ensure that the acquisitions are progressing in compliance with the approved documents for their current acquisition phases.

''(5) Review the acquisition program documents of each major acquisition program, including the acquisition program baseline and documentation reflecting consideration of tradeoffs among cost, schedule, and performance objectives, to ensure the reliability of underlying data.

''(6) Ensure that practices are adopted and implemented to require consideration of tradeoffs among cost, schedule, and performance objectives as part of the process for developing requirements for major acquisition programs prior to the initiation of the second acquisition decision event, including, at a minimum, the following practices:

''(A) Department officials responsible for acquisition, budget, and cost estimating functions are provided with the appropriate opportunity to develop estimates and raise cost and schedule matters before performance objectives are established for capabilities when feasible.

''(B) Full consideration is given to possible trade-offs among cost, schedule, and performance objectives for each alternative.

''(e) ACQUISITION PROGRAM BASELINE REPORT REQUIREMENT.—If the person exercising acquisition decision authority over a major acquisition program approves the major acquisition program to proceed before the major acquisition program has a Department-approved acquisition program baseline, as required by Department policy—

''(1) the Under Secretary for Management shall create and approve an acquisition program baseline report regarding such approval; and

''(2) the Secretary shall—

''(A) not later than 7 days after the date on which the acquisition decision memorandum is signed, provide written notice of the decision to the appropriate committees of Congress; and

''(B) not later than 60 days after the date on which the acquisition decision memorandum is signed, provide the memorandum and a briefing to the appropriate committees of Congress.

''(f) REPORT.—Not later than 1 year after the date of enactment of this section and every year thereafter through fiscal year 2022, the Under Secretary for Management shall provide information to the appropriate committees of Congress on the activities of the Board for the prior fiscal year that includes information relating to—

''(1) for each meeting of the Board, any acquisition decision memoranda;

''(2) the results of the systematic reviews conducted under subsection (d)(4);

''(3) the results of acquisition document reviews required under subsection (d)(5); and

''(4) activities to ensure that practices are adopted and implemented throughout the Department under subsection (d)(6).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

''Sec. 836. Acquisition Review Board.''.

SEC. 1222. DEPARTMENT LEADERSHIP COUNCILS.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

''SEC. 890B. DEPARTMENT LEADERSHIP COUNCILS.

''(a) DEPARTMENT LEADERSHIP COUNCILS.—

''(1) ESTABLISHMENT.—The Secretary may establish Department leadership councils as the Secretary determines necessary to ensure coordination and improve programs and activities of the Department.

''(2) FUNCTION.—A Department leadership council shall—

''(A) serve as a coordinating forum;

''(B) advise the Secretary and Deputy Secretary on Department strategy, operations, and guidance;

''(C) establish policies to reduce duplication in acquisition programs; and

''(D) consider and report on such other matters as the Secretary or Deputy Secretary may direct.

''(3) RELATIONSHIP TO OTHER FORUMS.—The Secretary or Deputy Secretary may delegate the authority to direct the implementation of any decision or guidance resulting from the action of a Department leadership council to any office, component, coordinator, or other senior official of the Department.

''(b) JOINT REQUIREMENTS COUNCIL.—

''(1) DEFINITION OF JOINT REQUIREMENT.—In this subsection, the term 'joint requirement' means a condition or capability of multiple operating components of the Department that is required to be met or possessed by a system, product, service, result, or component to satisfy a contract, standard, specification, or other formally imposed document.

''(2) ESTABLISHMENT.—The Secretary shall establish within the Department a Joint Requirements Council.

''(3) MISSION.—In addition to other matters assigned to the Joint Requirements Council by the Secretary and Deputy Secretary, the Joint Requirements Council shall—

''(A) identify, assess, and validate joint requirements, including existing systems and associated capability gaps, to meet mission needs of the Department;

''(B) ensure that appropriate efficiencies are made among life cycle cost, schedule, and performance objectives, and procurement quantity objectives, in the establishment and approval of joint requirements; and

''(C) make prioritized capability recommendations for the joint requirements validated under subparagraph (A) to the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary to review decisions of the Joint Requirements Council.

''(4) CHAIRPERSON.—The Secretary shall appoint a chairperson of the Joint Requirements Council, for a term of not more than 2 years, from among senior officials of the Department as designated by the Secretary.

''(5) COMPOSITION.—The Joint Requirements Council shall be composed of senior officials representing components of the Department and other senior officials as designated by the Secretary.

''(6) RELATIONSHIP TO FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that the Future Years Homeland Security Program required under section 874 is consistent with the recommendations of the Joint Requirements Council required under paragraph (3)(C), as affirmed by the Secretary, the Deputy Secretary, or the chairperson of a Department leadership council designated by the Secretary under that paragraph.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 890A the following:

''Sec. 890B. Department leadership councils.''.

SEC. 1223. EXCLUDED PARTY LIST SYSTEM WAIVERS.

Not later than 5 days after the date on which the Chief Procurement Officer or Chief Financial Officer of the Department of Homeland Security issues a waiver of the requirement that an agency not engage in business with a contractor or other recipient of funds listed in the System for Award Management, or a successor system, as maintained by the General Services Administration, the Office of Legislative Affairs of the Department of Homeland Security shall submit to Congress notice of such waiver and an explanation for a finding by the Under Secretary for Management that a compelling reason exists for issuing the waiver.

SEC. 1224. INSPECTOR GENERAL OVERSIGHT OF SUSPENSION AND DEBARMENT.

The Inspector General of the Department of Homeland Security shall—

(1) conduct audits as determined necessary by the Inspector General regarding grant and procurement awards to identify instances in which a contract or grant was improperly awarded to a suspended or debarred entity and whether corrective actions were taken to prevent recurrence; and

(2) review the suspension and debarment program throughout the Department of Homeland Security to assess whether suspension and debarment criteria are consistently applied throughout the Department of Homeland Security and whether disparities exist in the application of such criteria, particularly with respect to business size and categories.

SEC. 1225. SUSPENSION AND DEBARMENT PROGRAM AND PAST PERFORMANCE.

(a) DEFINITIONS.—In this section—

(1) the term ''congressional homeland security committees'' has the meaning given the term in section 2 of the Homeland Security Act of 2002, as amended by this Act;

(2) the term ''Department'' means the Department of Homeland Security; and

(3) the term ''Secretary'' means the Secretary of Homeland Security.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a suspension and debarment program that ensures the Department and each of the components of the Department comply with the laws, regulations, and guidance related to the suspension, debarment, and ineligibility of contractors.

(2) REQUIREMENTS.—The program required to be established under paragraph (1) shall include policies and processes for—

(A) tracking, reviewing, and documenting suspension and debarment decisions, including those related to poor performance, fraud, national security considerations, and other criteria determined appropriate by the Secretary;

(B) ensuring consideration of and referral for suspension, debarment, or other necessary actions that protect the interests of the Federal Government;

(C) managing and sharing relevant documents and information on contractors for use across the Department;

(D) requiring timely reporting into departmental and Government-wide databases by the suspension and debarment officials of contractor suspensions, debarments, or determinations of ineligibility, or other relevant information; and

(E) issuing guidance to implement these policies and for the timely implementation of agreed upon recommendations from the Inspector General of the Department or the Comptroller General of the United States.

(3) ADDITIONAL REQUIREMENTS.—The program required to be established under subsection (b)(1) shall—

(A) require that any referral made by a contracting official for consideration of actions to protect the interests of the Federal Government be evaluated by the Suspension and Debarment Official in writing in accordance with applicable regulations; and

(B) develop and require training for all contracting officials of the Department on the causes for suspension and debarment and complying with departmental and Government-wide policies and processes.

(c) PAST PERFORMANCE REVIEW.—

(1) IN GENERAL.—The Chief Procurement Officer of the Department shall require for any solicitation for a competitive contract by a component of the Department that the head of contracting activity for the component shall include past performance as an evaluation factor in the solicitation, consistent with applicable laws and regulations and policies established by the Chief Procurement Officer.

(2) REQUIREMENTS.—In carrying out the requirements of paragraph (1), the Chief Procurement Officer shall establish departmental policies and procedures, consistent with applicable laws and regulations, to assess the past performance of contractors and relevant subcontractors (including contracts performed at the State or local level) as part of the source selection process.

(3) WAIVERS.—

(A) IN GENERAL.—The Chief Procurement Officer of the Department may waive a requirement under paragraph (1) with respect to a solicitation if the Chief Procurement Officer determines that the waiver is in the best interest of the Government.

(B) NOTIFICATION.—Not later than 30 days after the date on which the Chief Procurement Officer issues a waiver under subparagraph (A), the Secretary shall submit to the congressional homeland security committees written notice of the waiver, which shall include a description of the reasons for the waiver.

Subtitle C—Acquisition Program Management Accountability and Transparency

SEC. 1231. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 1221, is amended by adding at the end the following:

''SEC. 837. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.

''(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

''(2) in the case of notice or a report relating to the Coast Guard or the Transportation Security Administration, the committees described in paragraph (1) and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—

''(1) NOTIFICATIONS.—

''(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for the program shall notify the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after the date on which the breach is identified.

''(B) NOTIFICATION TO SECRETARY.—If a breach occurs in a major acquisition program and the breach results in a cost overrun greater than 15 percent, a schedule delay greater than 180 days, or a failure to meet any of the performance thresholds from the cost, schedule, or performance parameters specified in the most recently approved acquisition program baseline for the program, the Component Acquisition Executive for the program shall notify the Secretary and the Inspector General of the Department not later than 5 business days after the date on which the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary are notified of the breach under subparagraph (A).

''(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—

''(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, and the Under Secretary for Management, at a date established by the Under Secretary for Management, a remediation plan and root cause analysis relating to the breach and program.

''(B) REMEDIATION PLAN.—The remediation plan required under subparagraph (A) shall—

''(i) explain the circumstances of the breach at issue;

''(ii) provide prior cost estimating information;

''(iii) include a root cause analysis that determines the underlying cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which the breach has occurred, including the role, if any, of—

''(I) unrealistic performance expectations;

''(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;

''(III) immature technologies or excessive manufacturing or integration risk;

''(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

''(V) changes to the scope of the program;

''(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874;

''(VII) legislative, legal, or regulatory changes; or

''(VIII) inadequate program management personnel, including lack of sufficient number of staff, training, credentials, certifications, or use of best practices;

''(iv) propose corrective action to address cost growth, schedule delays, or performance issues;

''(v) explain the rationale for why a proposed corrective action is recommended; and

''(vi) in coordination with the Component Acquisition Executive for the program, discuss all options considered, including—

''(I) the estimated impact on cost, schedule, or performance of the program if no changes are made to current requirements;

''(II) the estimated cost of the program if requirements are modified; and

''(III) the extent to which funding from other programs will need to be reduced to cover the cost growth of the program.

''(3) REVIEW OF CORRECTIVE ACTIONS.—

''(A) IN GENERAL.—The Under Secretary for Management—

''(i) shall review each remediation plan required under paragraph (2); and

''(ii) not later than 30 days after submission of a remediation plan under paragraph (2), may approve the plan or provide an alternative proposed corrective action.

''(B) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Under Secretary for Management completes a review of a remediation plan under subparagraph (A), the Under Secretary for Management shall submit to the appropriate committees of Congress a copy of the remediation plan.

''(c) REQUIREMENTS RELATING TO CONGRESSIONAL NOTIFICATION IF BREACH OCCURS.—

''(1) NOTIFICATION TO CONGRESS.—If a notification to the Secretary is made under subsection (b)(1)(B) relating to a breach in a major acquisition program, the Under Secretary for Management shall notify the appropriate committees of Congress of the breach in the next semi-annual Acquisition Program Health Assessment described in section 717(a)(3) after receipt by the Under Secretary for Management of the notification under subsection (b)(1)(B).

''(2) SIGNIFICANT VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required under paragraph (1) a written certification, with supporting explanation, that—

''(A) the program is essential to the accomplishment of the mission of the Department;

''(B) there are no alternatives to the capability or asset provided by the program that will provide equal or greater capability in a more cost-effective and timely manner;

''(C) the management structure for the program is adequate to manage and control cost, schedule, and performance; and

''(D) includes the date on which the new acquisition schedule and estimates for total acquisition cost will be completed.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1221, is amended by inserting after the item relating to section 836 the following:

''Sec. 837. Congressional notification and other requirements for major acquisition program breach.''.

SEC. 1232. MULTIYEAR ACQUISITION STRATEGY.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 1231, is amended by adding at the end the following:

''SEC. 838. MULTIYEAR ACQUISITION STRATEGY.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Under Secretary for Management shall brief the appropriate congressional committees on a multiyear acquisition strategy to—

''(1) guide the overall direction of the acquisitions of the Department while allowing flexibility to deal with ever-changing threats and risks;

''(2) keep pace with changes in technology that could impact deliverables; and

''(3) help industry better understand, plan, and align resources to meet the future acquisition needs of the Department.

''(b) UPDATES.—The strategy required under subsection (a) shall be updated and included in each Future Years Homeland Security Program required under section 874.

''(c) CONSULTATION.—In developing the strategy required under subsection (a), the Secretary shall, as the Secretary determines appropriate, consult with headquarters, components, employees in the field, and individuals from industry and the academic community.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1231, is amended by inserting after the item relating to section 837 the following:

''Sec. 838. Multiyear acquisition strategy.''.

SEC. 1233. REPORT ON BID PROTESTS.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate committees of Congress'' has the meaning given the term in section 837(a) of the Homeland Security Act of 2002, as added by section 1231(a); and

(2) the term ''Department'' means the Department of Homeland Security.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct a study, in consultation with the Government Accountability Office when necessary, and submit to the appropriate committees of Congress a report on the prevalence and impact of bid protests on the acquisition process of the Department, in particular bid protests filed with the Government Accountability Office and the United States Court of Federal Claims.

(c) CONTENTS.—The report required under subsection (b) shall include—

(1) with respect to contracts with the Department—

(A) trends in the number of bid protests filed with Federal agencies, the Government Accountability Office, and Federal courts and the rate of those bid protests compared to contract obligations and the number of contracts;

(B) an analysis of bid protests filed by incumbent contractors, including the rate at which those contractors are awarded bridge contracts or contract extensions over the period during which the bid protest remains unresolved;

(C) a comparison of the number of bid protests and the outcome of bid protests for—

(i) awards of contracts compared to awards of task or delivery orders;

(ii) contracts or orders primarily for products compared to contracts or orders primarily for services;

(iii) protests filed pre-award to challenge the solicitation compared to those filed post-award;

(iv) contracts or awards with single protestors compared to multiple protestors; and

(v) contracts with single awards compared to multiple award contracts;

(D) a description of trends in the number of bid protests filed as a percentage of contracts and as a percentage of task or delivery orders by the value of the contract or order with respect to—

(i) contracts valued at more than $300,000,000;

(ii) contracts valued at not less than $50,000,000 and not more than $300,000,000;

(iii) contracts valued at not less than $10,000,000 and not more than $50,000,000; and

(iv) contracts valued at less than $10,000,000;

(E) an assessment of the cost and schedule impact of successful and unsuccessful bid protests, as well as delineation of litigation costs, filed on major acquisitions with more than $100,000,000 in annual expenditures or $300,000,000 in life cycle costs;

(F) an analysis of how often bid protestors are awarded the contract that was the subject of the bid protest;

(G) a summary of the results of bid protests in which the Department took unilateral corrective action, including the average time for remedial action to be completed;

(H) the time it takes the Department to implement corrective actions after a ruling or decision with respect to a bid protest, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent bid protest;

(I) an analysis of those contracts with respect to which a company files a bid protest and later files a subsequent bid protest; and

(J) an assessment of the overall time spent on preventing and responding to bid protests as it relates to the procurement process; and

(2) any recommendations by the Inspector General of the Department relating to the study conducted under this section.

SEC. 1234. PROHIBITION AND LIMITATIONS ON USE OF COST-PLUS CONTRACTS.

(a) DEFINITIONS.—In this section—

(1) the term ''Department'' means the Department of Homeland Security; and

(2) the term ''major acquisition program'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

(b) PROHIBITION.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall modify the acquisition regulations of the Department to prohibit the use of cost-type contracts, unless the head of contracting activity determines in writing that—

(1) a cost-type contract is required by the level of program risk; and

(2) appropriate steps will be taken as soon as practicable to reduce that risk so that follow-on contracts for the same product or service can be awarded on a fixed-price basis, and delineates those steps in writing.

(c) MAJOR ACQUISITION PROGRAMS.—

(1) PROHIBITION.—The Department shall prohibit the use of cost-plus contracts with respect to procurements for the production of major acquisition programs.

(2) LIMITATION ON AUTHORIZING OF COST-TYPE CONTRACTS.—The Chief Procurement Officer of the Department, in consultation with the Acquisition Review Board required to be established under section 836 of the Homeland Security Act of 2002, as added by section 1221(a), may authorize the use of a cost-type contract for a major acquisition program only upon a written determination that—

(A) the major acquisition program is so complex and technically challenging that it is not practicable to use a contract type other than a cost-plus reimbursable contract for the development of the major acquisition program;

(B) all reasonable efforts have been made to define the requirements sufficiently to allow for the use of a contract type other than a cost-plus reimbursable contract for the development of the major acquisition program; and

(C) despite the efforts described in subparagraph (B), the Department cannot define requirements sufficiently to allow for the use of a contract type other than a cost-plus reimbursable contract for the development of the major acquisition program.

SEC. 1235. BRIDGE CONTRACTS.

(a) DEFINITIONS.—In this section—

(1) the terms ''acquisition program'' and ''congressional homeland security committees'' have the meanings given those terms in section 2 of the Homeland Security Act of 2002, as amended by this Act;

(2) the term ''Department'' means the Department of Homeland Security; and

(3) the term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(b) POLICIES AND PROCEDURES.—The Chief Procurement Officer of the Department shall develop, in consultation with the Office of Federal Procurement Policy—

(1) a common definition of a bridge contract; and

(2) policies and procedures for the Department that, to the greatest extent practicable, seek to—

(A) minimize the use of bridge contracts while providing for continuation of services to be performed through contracts; and

(B) ensure appropriate planning by contracting officials.

(c) REQUIRED ELEMENTS.—The policies and procedures developed under subsection (b) shall include the following elements:

(1) Sufficient time and planning to review contract requirements, compete contracts as appropriate, enter into contracts, and consider the possibility of bid protests.

(2) For contracts that do not meet timeliness standards or that require entering into bridge contracts, contracting officials shall notify the Chief Procurement Officer of the Department and the head of the component agency of the Department.

(3) The Chief Procurement Officer of the Department shall approve any bridge contract that lasts longer than 6 months, and the head of the component agency of the Department shall approve any bridge contract that lasts longer than 1 year.

(d) PUBLIC NOTICE.—The Chief Procurement Officer of the Department shall provide public notice not later than 30 days after entering into a bridge contract, which shall include the notice required under subsection (c)(2) to the extent that information is available.

(e) EXCEPTIONS.—The policies and procedures developed under subsection (b) shall not apply to—

(1) service contracts in support of contingency operations, humanitarian assistance, or disaster relief;

(2) service contracts in support of national security emergencies declared with respect to named operations; or

(3) service contracts entered into pursuant to international agreements.

(f) REPORTS.—Not later than September 30, 2020, and by September 30 of each subsequent year thereafter until 2025, the Chief Procurement Officer of the Department shall submit to the congressional homeland security committees and make publicly available on the website of the Department a report on the use of bridge contracts for all acquisition programs, which shall include—

(1) a common definition for a bridge contract, if in existence, that is used by contracting offices of Executive agencies;

(2) the total number of bridge contracts entered into during the previous fiscal year;

(3) the estimated value of each contract that required the use of a bridge contract and the cost of each such bridge contract;

(4) the reasons for and cost of each bridge contract;

(5) the types of services or goods being acquired under each bridge contract;

(6) the length of the initial contract that required the use of a bridge contract, including the base and any exercised option years, and the cumulative length of any bridge contract or contracts related to the initial contract;

(7) a description of how many of the contracts that required bridge contracts were the result of bid protests;

(8) a description of existing statutory, regulatory, or agency guidance that the Department followed to execute each bridge contract; and

(9) any other matters determined to be relevant by the Chief Procurement Officer of the Department.

SEC. 1236. ACQUISITION REPORTS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.), as amended by section 1232, is amended by adding at the end the following:

"SEC. 839. ACQUISITION POLICIES AND GUIDANCE.

"(a) PROGRAM ACCOUNTABILITY REPORT.—The Under Secretary for Management shall prepare and submit to the congressional homeland security committees a semi-annual program accountability report to meet the mandate of the Department to perform program health assessments and improve program execution and governance.

"(b) LEVEL 3 ACQUISITION PROGRAMS OF COMPONENTS OF THE DEPARTMENT.—

"(1) IDENTIFICATION.—Not later than 60 days after the date of enactment of this section, component heads of the Department shall identify to the Under Secretary for Management all level 3 acquisition programs of each respective component.

"(2) CERTIFICATION.—Not later than 30 days after receipt of the information under paragraph (1), the Under Secretary for Management shall certify in writing to the congressional homeland security committees whether the heads of the components of the Department have properly identified the programs described in that paragraph.

"(3) METHODOLOGY.—To carry out this subsection, the Under Secretary shall establish a process with a repeatable methodology to continually identify level 3 acquisition programs.

"(c) POLICIES AND GUIDANCE.—

"(1) SUBMISSION.—Not later than 180 days after the date of enactment of this section, the Component Acquisition Executives shall submit to the Under Secretary for Management the policies and relevant guidance for the level 3 acquisition programs of each component.

"(2) CERTIFICATION.—Not later than 90 days after receipt of the policies and guidance under subparagraph (A), the Under Secretary shall certify in writing to the congressional homeland security committees that the policies and guidance of each component adhere to Department-wide acquisition policies.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1232, is amended by inserting after the item relating to section 838 the following:

"Sec. 839. Acquisition policies and guidance.".

TITLE III—INTELLIGENCE AND INFORMATION SHARING

Subtitle A—Department of Homeland Security Intelligence Enterprise

SEC. 1301. HOMELAND INTELLIGENCE DOCTRINE.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by section 1601(g) of this Act, is amended by adding at the end the following new section:

"SEC. 210F. HOMELAND INTELLIGENCE DOCTRINE.

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Chief Intelligence Officer of the Department, in coordination with intelligence components of the Department, the Office of the General Counsel, the Privacy Office, and the Office for Civil Rights and Civil Liberties, shall develop and disseminate written Department-wide guidance for the processing, analysis, production, and dissemination of homeland security information (as such term is defined in section 892) and terrorism information (as such term is defined in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)).

"(b) CONTENTS.—The guidance required under subsection (a) shall, at a minimum, include the following:

"(1) A description of guiding principles and purposes of the Department's intelligence enterprise.

"(2) A summary of the roles and responsibilities, if any, of each intelligence component of the Department and programs of the intelligence components of the Department in the processing, analysis, production, and dissemination of homeland security information and terrorism information, including relevant authorities and restrictions applicable to each intelligence component of the Department and programs of each such intelligence component.

"(3) Guidance for the processing, analysis, and production of such information, including descriptions of component or program specific datasets that facilitate the processing, analysis, and production.

"(4) Guidance for the dissemination of such information, including within the Department, among and between Federal departments and agencies, among and between State, local, tribal, and territorial governments, including law enforcement agencies, and with foreign partners and the private sector.

"(5) A statement of intent regarding how the dissemination of homeland security information and terrorism information to the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))) and Federal law enforcement agencies should assist the intelligence community and Federal law enforcement agencies in carrying out their respective missions.

"(6) A statement of intent regarding how the dissemination of homeland security information and terrorism information to State, local, tribal, and territorial government agencies, including law enforcement agencies, should assist the agencies in carrying out their respective missions.

"(c) FORM.—The guidance required under subsection (a) shall be disseminated in unclassified form, but may include a classified annex.

"(d) ANNUAL REVIEW.—For each of the 5 fiscal years beginning with the first fiscal year that begins after the date of the enactment of this section, the Secretary shall conduct a review of the guidance required under subsection (a) and, as appropriate, revise such guidance.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1601(i) of this Act, is amended by inserting after the item relating to section 210E the following new item:

"Sec. 210F. Homeland intelligence doctrine.".

SEC. 1302. PERSONNEL FOR THE CHIEF INTELLIGENCE OFFICER.

Section 201(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)(1)) is amended by adding at the end the following: "The Secretary shall also provide the Chief Intelligence Officer with a staff having appropriate component intelligence program expertise and experience to assist the Chief Intelligence Officer.".

SEC. 1303. ANNUAL HOMELAND TERRORIST THREAT ASSESSMENTS.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is further amended by adding at the end the following new sections:

"SEC. 210G. HOMELAND TERRORIST THREAT ASSESSMENTS.

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section and for each of the following 5 fiscal years (beginning in the first fiscal year that

begins after the date of the enactment of this section), the Secretary, acting through the Under Secretary for Intelligence and Analysis, and using departmental information, including component information coordinated with each intelligence component of the Department and programs of each such intelligence component, and information provided through State and major urban area fusion centers, shall conduct an assessment of the terrorist threat to the homeland.

''(b) CONTENTS.—Each assessment under subsection (a) shall include the following:

''(1) Empirical data assessing terrorist activities and incidents over time in the United States, including terrorist activities and incidents planned or supported by foreign or domestic terrorists or persons outside of the United States to occur in the homeland.

''(2) An evaluation of current terrorist tactics, as well as ongoing and possible future changes in terrorist tactics.

''(3) An assessment of criminal activity encountered or observed by officers or employees of components which is suspected of financing terrorist activity.

''(4) Detailed information on all individuals suspected of involvement in terrorist activity and subsequently—

''(A) prosecuted for a Federal criminal offense, including details of the criminal charges involved;

''(B) placed into removal proceedings, including details of the removal processes and charges used;

''(C) denied entry into the United States, including details of the denial processes used; or

''(D) subjected to civil proceedings for revocation of naturalization.

''(5) The efficacy and reach of foreign and domestic terrorist organization propaganda, messaging, or recruitment, including details of any specific propaganda, messaging, or recruitment that contributed to terrorist activities identified pursuant to paragraph (1).

''(6) An assessment of threats, including cyber threats, to the homeland, including to critical infrastructure and Federal civilian networks.

''(7) An assessment of current and potential terrorism and criminal threats posed by individuals and organized groups seeking to unlawfully enter the United States.

''(8) An assessment of threats to the transportation sector, including surface and aviation transportation systems.

''(c) ADDITIONAL INFORMATION.—The assessments required under subsection (a)—

''(1) shall, to the extent practicable, utilize existing component data collected and existing component threat assessments; and

''(2) may incorporate relevant information and analysis from other agencies of the Federal Government, agencies of State and local governments (including law enforcement agencies), as well as the private sector, disseminated in accordance with standard information sharing procedures and policies.

''(d) FORM.—The assessments required under subsection (a) shall be shared with the appropriate congressional committees and submitted in unclassified form, but may include separate classified annexes, if appropriate.

''SEC. 210H. REPORT ON TERRORISM PREVENTION ACTIVITIES OF THE DEPARTMENT.

''(a) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress an annual report that shall include the following:

''(1) A description of the status of the programs and policies of the Department for countering violent extremism and similar activities in the United States.

''(2) A description of the efforts of the Department to cooperate with and provide assistance to other Federal departments and agencies.

''(3) Qualitative and quantitative metrics for evaluating the success of the programs and policies described in paragraph (1) and the steps taken to evaluate the success of those programs and policies.

''(4) An accounting of—

''(A) grants and cooperative agreements awarded by the Department to counter violent extremism; and

''(B) all training specifically aimed at countering violent extremism sponsored by the Department.

''(5) In coordination with the Under Secretary for Intelligence and Analysis, an analysis of how the activities of the Department to counter violent extremism correspond and adapt to the threat environment.

''(6) A summary of how civil rights and civil liberties are protected in the activities of the Department to counter violent extremism.

''(7) An evaluation of the use of grants and cooperative agreements awarded under sections 2003 and 2004 to support efforts of local communities in the United States to counter violent extremism, including information on the effectiveness of those grants and cooperative agreements in countering violent extremism.

''(8) A description of how the Department incorporated lessons learned from the countering violent extremism programs and policies and similar activities of foreign, State, local, tribal, and territorial governments and stakeholder communities.

''(9) A description of the decision process used by the Department to rename or refocus the entities within the Department that are focused on the issues described in this subsection, including a description of the threat basis for that decision.

''(b) ANNUAL REVIEW.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Office for Civil Rights and Civil Liberties of the Department shall—

''(1) conduct a review of the countering violent extremism and similar activities of the Department to ensure that all such activities of the Department respect the privacy, civil rights, and civil liberties of all persons; and

''(2) make publicly available on the website of the Department a report containing the results of the review conducted under paragraph (1).''.

(b) CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 201(d) (6 U.S.C. 121(d)), by adding at the end the following:

''(27) To carry out section 210G (relating to homeland terrorist threat assessments) and section 210H (relating to terrorism prevention activities).''; and

(2) in section 2008(b)(1) (6 U.S.C. 609(b)(1))—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) to support any organization or group which has knowingly or recklessly funded domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code) or organization or group known to engage in or recruit to such activities, as determined by the Secretary in consultation with the Administrator, the Under Secretary for Intelligence and Analysis, and the heads of other appropriate Federal departments and agencies.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1301, is amended by inserting after the item relating to section 210F the following:

''Sec. 210G. Homeland terrorist threat assessments.

''Sec. 210H. Report on terrorism prevention activities of the Department.''.

(d) SUNSET.—Effective on the date that is 5 years after the date of enactment of this Act—

(1) section 210H of the Homeland Security Act of 2002, as added by subsection (a), is repealed; and

(2) the table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 210H.

SEC. 1304. DEPARTMENT OF HOMELAND SECURITY DATA FRAMEWORK.

(a) IN GENERAL.—

(1) DEVELOPMENT.—The Secretary of Homeland Security shall develop a data framework to integrate existing Department of Homeland Security datasets and systems, as appropriate, for access by authorized personnel in a manner consistent with relevant legal authorities and privacy, civil rights, and civil liberties policies and protections.

(2) REQUIREMENTS.—In developing the framework required under paragraph (1), the Secretary of Homeland Security shall ensure, in accordance with all applicable statutory and regulatory requirements, the following information is included:

(A) All information acquired, held, or obtained by an office or component of the Department of Homeland Security that falls within the scope of the information sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence.

(B) Any information or intelligence relevant to priority mission needs and capability requirements of the homeland security enterprise, as determined appropriate by the Secretary.

(b) DATA FRAMEWORK ACCESS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the data framework required under this section is accessible to employees of the Department of Homeland Security who the Secretary determines—

(A) have an appropriate security clearance;

(B) are assigned to perform a function that requires access to information in such framework; and

(C) are trained in applicable standards for safeguarding and using such information.

(2) GUIDANCE.—The Secretary of Homeland Security shall—

(A) issue guidance for Department of Homeland Security employees authorized to access and contribute to the data framework pursuant to paragraph (1); and

(B) ensure that such guidance enforces a duty to share between offices and components of the Department when accessing or contributing to such framework for mission needs.

(3) EFFICIENCY.—The Secretary of Homeland Security shall promulgate data standards and instruct components of the Department of Homeland Security to make available information through the data framework required under this section in a machine-readable standard format, to the greatest extent practicable.

(c) EXCLUSION OF INFORMATION.—The Secretary of Homeland Security may exclude information from the data framework if the Secretary determines inclusion of such information may—

(1) jeopardize the protection of sources, methods, or activities;

(2) compromise a criminal or national security investigation;

(3) be inconsistent with other Federal laws or regulations; or

(4) be duplicative or not serve an operational purpose if included in such framework.

(d) SAFEGUARDS.—The Secretary of Homeland Security shall incorporate into the data framework required under this section systems capabilities for auditing and ensuring the security of information included in such framework. Such capabilities shall include the following:

(1) Mechanisms for identifying insider threats.

(2) Mechanisms for identifying security risks.

(3) Safeguards for privacy, civil rights, and civil liberties.

(e) DEADLINE FOR IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure the data framework required under this section has the ability to include the information described in subsection (a).

(f) NOTICE TO CONGRESS.—

(1) STATUS UPDATES.—The Secretary of Homeland Security shall submit to the appropriate congressional committees regular updates on the status of the data framework until such framework is fully operational.

(2) OPERATIONAL NOTIFICATION.—Not later than 60 days after the date on which the data framework required under this section is fully operational, the Secretary of Homeland Security shall provide notice to the appropriate congressional committees that the data framework is fully operational.

(3) VALUE ADDED.—The Secretary of Homeland Security shall include in each assessment required under section 210G(a) of the Homeland Security Act of 2002, as added by this Act, if applicable, a description of the use of the data framework required under this section to support operations that disrupt terrorist activities and incidents in the homeland.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee''—

(A) has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

(B) includes the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) HOMELAND.—The term ''homeland'' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(3) HOMELAND SECURITY INFORMATION.—The term ''homeland security information'' has the meaning given such term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482).

(4) INSIDER THREAT.—The term ''insider threat'' has the meaning given such term in section 104 of the Homeland Security Act of 2002, as added by section 1305.

(5) NATIONAL INTELLIGENCE.—The term ''national intelligence'' has the meaning given such term in section 3(5) of the National Security Act of 1947 (50 U.S.C. 3003(5)).

(6) TERRORISM INFORMATION.—The term ''terrorism information'' has the meaning given such term in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

SEC. 1305. ESTABLISHMENT OF INSIDER THREAT PROGRAM.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following:

''SEC. 104. INSIDER THREAT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish an Insider Threat Program within the Department, which shall—

''(1) provide training and education for employees of the Department to identify, prevent, mitigate, and respond to insider threat risks to the Department's critical assets;

''(2) provide investigative support regarding potential insider threats that may pose a risk to the Department's critical assets; and

''(3) conduct risk mitigation activities for insider threats.

''(b) STEERING COMMITTEE.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The Secretary shall establish a Steering Committee within the Department.

''(B) MEMBERSHIP.—The membership of the Steering Committee shall be as follows:

''(i) The Under Secretary for Management and the Under Secretary for Intelligence and Analysis shall serve as the Co-Chairpersons of the Steering Committee.

''(ii) The Chief Security Officer, as the designated Senior Insider Threat Official, shall serve as the Vice Chairperson of the Steering Committee.

''(iii) The other members of the Steering Committee shall be comprised of representatives of—

''(I) the Office of Intelligence and Analysis;

''(II) the Office of the Chief Information Officer;

''(III) the Office of the General Counsel;

''(IV) the Office for Civil Rights and Civil Liberties;

''(V) the Privacy Office;

''(VI) the Office of the Chief Human Capital Officer;

''(VII) the Office of the Chief Financial Officer;

''(VIII) the Federal Protective Service;

''(IX) the Office of the Chief Procurement Officer;

''(X) the Science and Technology Directorate; and

''(XI) other components or offices of the Department as appropriate.

''(C) MEETINGS.—The members of the Steering Committee shall meet on a regular basis to discuss cases and issues related to insider threats to the Department's critical assets, in accordance with subsection (a).

''(2) RESPONSIBILITIES.—Not later than 1 year after the date of the enactment of this section, the Under Secretary for Management, the Under Secretary for Intelligence and Analysis, and the Chief Security Officer, in coordination with the Steering Committee, shall—

''(A) develop a holistic strategy for Department-wide efforts to identify, prevent, mitigate, and respond to insider threats to the Department's critical assets;

''(B) develop a plan to implement the insider threat measures identified in the strategy developed under subparagraph (A) across the components and offices of the Department;

''(C) document insider threat policies and controls;

''(D) conduct a baseline risk assessment of insider threats posed to the Department's critical assets;

''(E) examine programmatic and technology best practices adopted by the Federal Government, industry, and research institutions to implement solutions that are validated and cost-effective;

''(F) develop a timeline for deploying workplace monitoring technologies, employee awareness campaigns, and education and training programs related to identifying, preventing, mitigating, and responding to potential insider threats to the Department's critical assets;

''(G) consult with the Under Secretary for Science and Technology and other appropriate stakeholders to ensure the Insider Threat Program is informed, on an ongoing basis, by current information regarding threats, best practices, and available technology; and

''(H) develop, collect, and report metrics on the effectiveness of the Department's insider threat mitigation efforts.

''(c) PRESERVATION OF MERIT SYSTEM RIGHTS.—

''(1) IN GENERAL.—The Steering Committee shall not seek to, and the authorities provided under this section shall not be used to, deter, detect, or mitigate disclosures of information by Government employees or contractors that are lawful under and protected by section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) (commonly known as the 'Intelligence Community Whistleblower Protection Act of 1998'), chapter 12 or 23 of title 5, United States Code, the Inspector General Act of 1978 (5 U.S.C. App.), or any other whistleblower statute, regulation, or policy.

''(2) IMPLEMENTATION.—

''(A) IN GENERAL.—Any activity carried out under this section shall be subject to section 115 of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note).

''(B) REQUIRED STATEMENT.—Any activity to implement or enforce any insider threat activity or authority under this section or Executive Order 13587 (50 U.S.C. 3161 note) shall include the statement required by section 115 of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note) that preserves rights under whistleblower laws and section 7211 of title 5, United States Code, protecting communications with Congress.

''(d) DEFINITIONS.—In this section:

''(1) CRITICAL ASSETS.—The term 'critical assets' means the resources, including personnel, facilities, information, equipment, networks, or systems necessary for the Department to fulfill its mission.

''(2) EMPLOYEE.—The term 'employee' has the meaning given the term in section 2105 of title 5, United States Code.

''(3) INSIDER.—The term 'insider' means—

''(A) any person who has or had authorized access to Department facilities, information, equipment, networks, or systems and is employed by, detailed to, or assigned to the Department, including members of the Armed Forces, experts or consultants to the Department, industrial or commercial contractors, licensees, certificate holders, or grantees of the Department, including all subcontractors, personal services contractors, or any other category of person who acts for or on behalf of the Department, as determined by the Secretary; or

''(B) State, local, tribal, territorial, and private sector personnel who possess security clearances granted by the Department.

''(4) INSIDER THREAT.—The term 'insider threat' means the threat that an insider will use his or her authorized access, wittingly or unwittingly, to do harm to the security of the United States, including damage to the United States through espionage, terrorism, the unauthorized disclosure of classified national security information, or through the loss or degradation of departmental resources or capabilities.

''(5) STEERING COMMITTEE.—The term 'Steering Committee' means the Steering Committee established under subsection (b)(1)(A).''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and once every 2 years thereafter for the following 4-year period, the Secretary of Homeland Security shall submit to the Committee

on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate a report on—

(A) how the Department of Homeland Security, including the components and offices of the Department of Homeland Security, have implemented the strategy developed under section 104(b)(2)(A) of the Homeland Security Act of 2002, as added by this Act;

(B) the status of the risk assessment of critical assets being conducted by the Department of Homeland Security;

(C) the types of insider threat training conducted;

(D) the number of employees of the Department of Homeland Security who have received insider threat training; and

(E) information on the effectiveness of the Insider Threat Program (established under section 104(a) of the Homeland Security Act of 2002, as added by this Act), based on metrics developed, collected, and reported pursuant to subsection (b)(2)(H) of such section 104.

(2) DEFINITIONS.—In this subsection, the terms ''critical assets'', ''insider'', and ''insider threat'' have the meanings given the terms in section 104 of the Homeland Security Act of 2002 (as added by this Act).

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 103 the following:

''Sec. 104. Insider Threat Program.''.

SEC. 1306. REPORT ON APPLICATIONS AND THREATS OF BLOCKCHAIN TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives.

(2) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means a country the government of which the Secretary of State has determined to be a government that has repeatedly provided support for acts of international terrorism for purposes of—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)(1)(A)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(B) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(C) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(D) any other provision of law.

(b) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, the Attorney General, the Director of National Intelligence, and the heads of such other departments and agencies of the Federal Government as the Secretary considers appropriate, shall provide to the appropriate committees of Congress a report on the applications and threats of blockchain technology.

(c) ELEMENTS.—The report required under subsection (b) shall include—

(1) an assessment of potential offensive and defensive cyber applications of blockchain technology and other distributed ledger technologies;

(2) an assessment of the actual and potential threat posed by individuals and state sponsors of terrorism using distributed ledger-enabled currency and other emerging financial technological capabilities to carry out activities in furtherance of an act of terrorism, including the provision of material support or resources to a foreign terrorist organization;

(3) an assessment of the use or planned use of such technologies by the Federal Government and critical infrastructure networks; and

(4) a threat assessment of efforts by foreign powers, foreign terrorist organizations, and criminal networks to utilize such technologies and related threats to the homeland, including an assessment of the vulnerabilities of critical infrastructure networks to related cyberattacks.

(d) FORM OF REPORT.—The report required under subsection (b) shall be provided in unclassified form, but may include a classified supplement.

(e) DISTRIBUTION.—Consistent with the protection of classified and confidential unclassified information, the Under Secretary for Intelligence and Analysis shall share the threat assessment developed under this section with State, local, and tribal law enforcement officials, including officials that operate within fusion centers in the National Network of Fusion Centers.

SEC. 1307. TRANSNATIONAL CRIMINAL ORGANIZATIONS THREAT ASSESSMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Intelligence and Analysis shall, in coordination with appropriate Federal partners, develop and disseminate a threat assessment on whether transnational criminal organizations are exploiting United States border security vulnerabilities in border security screening programs to gain access to the United States and threaten the United States or border security.

(b) RECOMMENDATIONS.—Upon completion of the threat assessment required under subsection (a), the Secretary of Homeland Security shall make a determination if any changes are required to address security vulnerabilities identified in such assessment.

(c) DISTRIBUTION.—Consistent with the protection of classified and confidential unclassified information, the Under Secretary for Intelligence and Analysis shall share the threat assessment developed under this section with State, local, and tribal law enforcement officials, including officials that operate within fusion centers in the National Network of Fusion Centers.

SEC. 1308. DEPARTMENT OF HOMELAND SECURITY COUNTER THREATS ADVISORY BOARD.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 210I. DEPARTMENTAL COORDINATION ON COUNTER THREATS.

''(a) ESTABLISHMENT.—There is authorized in the Department, for a period of 2 years beginning after the date of enactment of this section, a Counter Threats Advisory Board (in this section referred to as the 'Board') which shall—

''(1) be composed of senior representatives of departmental operational components and headquarters elements; and

''(2) coordinate departmental intelligence activities and policy and information related to the mission and functions of the Department that counter threats.

''(b) CHARTER.—There shall be a charter to govern the structure and mission of the Board, which shall—

''(1) direct the Board to focus on the current threat environment and the importance of aligning departmental activities to counter threats under the guidance of the Secretary; and

''(2) be reviewed and updated as appropriate.

''(c) MEMBERS.—

''(1) IN GENERAL.—The Board shall be composed of senior representatives of departmental operational components and headquarters elements.

''(2) CHAIR.—The Under Secretary for Intelligence and Analysis shall serve as the Chair of the Board.

''(3) MEMBERS.—The Secretary shall appoint additional members of the Board from among the following:

''(A) The Transportation Security Administration.

''(B) U.S. Customs and Border Protection.

''(C) U.S. Immigration and Customs Enforcement.

''(D) The Federal Emergency Management Agency.

''(E) The Coast Guard.

''(F) U. S. Citizenship and Immigration Services.

''(G) The United States Secret Service.

''(H) The Cybersecurity and Infrastructure Security Agency.

''(I) The Office of Operations Coordination.

''(J) The Office of the General Counsel.

''(K) The Office of Intelligence and Analysis.

''(L) The Office of Strategy, Policy, and Plans.

''(M) The Science and Technology Directorate.

''(N) The Office for State and Local Law Enforcement.

''(O) The Privacy Office.

''(P) The Office for Civil Rights and Civil Liberties.

''(Q) Other departmental offices and programs as determined appropriate by the Secretary.

''(d) MEETINGS.—The Board shall—

''(1) meet on a regular basis to discuss intelligence and coordinate ongoing threat mitigation efforts and departmental activities, including coordination with other Federal, State, local, tribal, territorial, and private sector partners; and

''(2) make recommendations to the Secretary.

''(e) TERRORISM ALERTS.—The Board shall advise the Secretary on the issuance of terrorism alerts under section 203.

''(f) PROHIBITION ON ADDITIONAL FUNDS.—No additional funds are authorized to carry out this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1303, is amended by inserting after the item relating to section 210H the following:

''Sec. 210I. Departmental coordination to counter threats.''.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Chair of the Counter Threats Advisory Board established under section 210I of the Homeland Security Act of 2002, as added by

subsection (a), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the status and activities of the Counter Threats Advisory Board.

(d) NOTICE.—The Department of Homeland Security shall provide written notification to and brief the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives on any changes to or introductions of new mechanisms to coordinate threats across the Department.

SEC. 1309. BRIEFING ON PHARMACEUTICAL-BASED AGENT THREATS.

(a) BRIEFING REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Assistant Secretary for the Countering Weapons of Mass Destruction Office, in consultation with other departments and agencies of the Federal Government as the Assistant Secretary considers appropriate, shall brief the appropriate congressional committees on threats related to pharmaceutical-based agents. The briefing shall incorporate, and the Assistant Secretary shall update as necessary, any related Terrorism Risk Assessments or Material Threat Assessments related to the threat.

(b) ELEMENTS.—The briefing under subsection (a) shall include—

(1) an assessment of threats from individuals or organizations using pharmaceutical-based agents to carry out activities in furtherance of any act of terrorism;

(2) an assessment of materiel and non-materiel capabilities within the Federal Government to deter and manage the consequences of such an attack; and

(3) a strategy to address any identified capability gaps to deter and manage the consequences of any act of terrorism using pharmaceutical-based agents.

(c) FORM OF BRIEFING.—The briefing under subsection (a) may be provided in classified form.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given that term under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) PHARMACEUTICAL-BASED AGENT.—The term ''pharmaceutical-based agent'' means a chemical, including fentanyl, carfentanil, and related analogues, which affects the central nervous system and has the potential to be used as a chemical weapon.

Subtitle B—Stakeholder Information Sharing

SEC. 1311. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.

(a) IN GENERAL.—Section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) is amended—

(1) by amending the section heading to read as follows:

''SEC. 210A. DEPARTMENT OF HOMELAND SECURITY FUSION CENTER PARTNERSHIP INITIATIVE.'';

(2) in subsection (a), by adding at the end the following: ''Beginning on the date of enactment of the Department of Homeland Security Authorization Act, such Initiative shall be known as the 'Department of Homeland Security Fusion Center Partnership Initiative'.'';

(3) by amending subsection (b) to read as follows:

''(b) INTERAGENCY SUPPORT AND COORDINATION.—Through the Department of Homeland Security Fusion Center Partnership Initiative, in coordination with principal officials of fusion centers in the National Network of Fusion Centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—

''(1) coordinate with the heads of other Federal departments and agencies to provide operational, analytic, and reporting intelligence advice and assistance to the National Network of Fusion Centers and to align homeland security intelligence activities with other field based intelligence activities;

''(2) support the integration of fusion centers into the information sharing environment, including by—

''(A) providing for the effective dissemination of information within the scope of the information sharing environment to the National Network of Fusion Centers;

''(B) conducting outreach to such fusion centers to identify any gaps in information sharing;

''(C) consulting with other Federal agencies to develop methods to—

''(i) address any such gaps identified under subparagraph (B), as appropriate; and

''(ii) deploy or access such databases and datasets, as appropriate; and

''(D) review information that is gathered by the National Network of Fusion Centers to identify that which is within the scope of the information sharing environment, including homeland security information (as defined in section 892), terrorism information, and weapons of mass destruction information and incorporate such information, as appropriate, into the Department's own such information;

''(3) facilitate close communication and coordination between the National Network of Fusion Centers and the Department and other Federal departments and agencies;

''(4) facilitate information sharing and expertise from the national cybersecurity and communications integration center under section 2209 to the National Network of Fusion Centers;

''(5) coordinate the provision of training and technical assistance, including training on the use of Federal databases and datasets described in paragraph (2), to the National Network of Fusion Centers and encourage participating fusion centers to take part in terrorism threat-related exercises conducted by the Department;

''(6) ensure the dissemination of cyber threat indicators and information about cybersecurity risks and incidents to the national Network of Fusion Centers;

''(7) ensure that each fusion center in the National Network of Fusion Centers has a privacy policy approved by the Chief Privacy Officer of the Department and a civil rights and civil liberties policy approved by the Officer for Civil Rights and Civil Liberties of the Department;

''(8) develop and disseminate best practices on the appropriate levels for staffing at fusion centers in the National Network of Fusion Centers of qualified representatives from State, local, tribal, and territorial law enforcement, fire, emergency medical, and emergency management services, and public health disciplines, as well as the private sector;

''(9) to the maximum extent practicable, provide guidance, training, and technical assistance to ensure fusion centers operate in accordance with and in a manner that protects privacy, civil rights, and civil liberties afforded by the Constitution of the United States;

''(10) to the maximum extent practicable, provide guidance, training, and technical assistance to ensure fusion centers are appropriately aligned with and able to meaningfully support Federal homeland security, national security, and law enforcement efforts, including counterterrorism;

''(11) encourage the full participation of the National Network of Fusion Centers in all assessment and evaluation efforts conducted by the Department;

''(12) track all Federal funding provided to each fusion center on an individualized basis as well as by funding source;

''(13) ensure that none of the departmental information or data provided or otherwise made available to fusion center personnel is improperly disseminated, accessed for unauthorized purposes, or otherwise used in a manner inconsistent with Department guidance; and

''(14) carry out such other duties as the Secretary determines appropriate.'';

(4) in subsection (c)—

(A) in the heading, by striking ''PERSONNEL ASSIGNMENT'' and inserting ''RESOURCE ALLOCATION'';

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) INFORMATION SHARING AND PERSONNEL ASSIGNMENT.—

''(A) INFORMATION SHARING.—The Under Secretary for Intelligence and Analysis shall ensure that, as appropriate—

''(i) fusion centers in the National Network of Fusion Centers have access to homeland security information sharing systems; and

''(ii) Department personnel are deployed to support fusion centers in the National Network of Fusion Centers in a manner consistent with the mission of the Department.

''(B) PERSONNEL ASSIGNMENT.—Department personnel referred to in subparagraph (A)(ii) may include the following:

''(i) Intelligence officers.

''(ii) Intelligence analysts.

''(iii) Other liaisons from components and offices of the Department, as appropriate.

''(C) MEMORANDA OF UNDERSTANDING.—The Under Secretary for Intelligence and Analysis shall negotiate memoranda of understanding between the Department and a State or local government, in coordination with the appropriate representatives from fusion centers in the National Network of Fusion Centers, regarding the exchange of information between the Department and such fusion centers. Such memoranda shall include the following:

''(i) The categories of information to be provided by each entity to the other entity that are parties to any such memoranda.

''(ii) The contemplated uses of the exchanged information that is the subject of any such memoranda.

''(iii) The procedures for developing joint products.

''(iv) The information sharing dispute resolution processes.

''(v) Any protections necessary to ensure the exchange of information accords with applicable law and policies.

''(2) SOURCES OF SUPPORT.—Information shared and personnel assigned pursuant to paragraph (1) may be shared or provided, as the case may be, by the following Department components and offices, in coordination with the respective component or office head and in consultation with the principal officials of fusion centers in the National Network of Fusion Centers:

''(A) The Office of Intelligence and Analysis.

''(B) Cybersecurity and Infrastructure Security Agency.

''(C) The Transportation Security Administration.

''(D) U.S. Customs and Border Protection.

''(E) U.S. Immigration and Customs Enforcement.

''(F) The Coast Guard.

''(G) The national cybersecurity and communications integration center under section 2209.

''(H) Other components or offices of the Department, as determined by the Secretary.'';

(C) in paragraph (3)—

(i) in the heading, by striking ''QUALIFYING CRITERIA'' and inserting ''RESOURCE ALLOCATION CRITERIA''; and

(ii) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary shall make available criteria for sharing information and deploying personnel to support a fusion center in the National Network of Fusion Centers in a manner consistent with the Department's mission and existing statutory limits.''; and

(D) in paragraph (4)(B), in the matter preceding clause (i), by inserting ''in which such fusion center is located'' after ''region'';

(5) in subsection (d)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5);

(C) by inserting after paragraph (3) the following:

''(4) assist, in coordination with the national cybersecurity and communications integration center under section 2209, fusion centers in using information relating to cybersecurity risks to develop a comprehensive and accurate threat picture;'';

(D) in paragraph (5), as so redesignated—

(i) by striking ''government'' and inserting ''governments''; and

(ii) by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(6) use Department information, including information held by components and offices, to develop analysis focused on the mission of the Department under section 101(b).'';

(6) in subsection (e)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—To the greatest extent practicable, the Secretary shall make it a priority to allocate resources, including departmental component personnel with relevant expertise, to support the efforts of fusion centers along land or maritime borders of the United States to facilitate law enforcement agency identification, investigation, and interdiction of persons, weapons, and related contraband that pose a threat to homeland security.''; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''participating State, local, and regional fusion centers'' and inserting ''fusion centers in the National Network of Fusion Centers'';

(7) in subsection (j)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(C) by inserting before paragraph (2) the following:

''(1) the term 'cybersecurity risk' has the meaning given such term in section 2209;''.

(D) in paragraph (5), as so redesignated, by striking ''and'' at the end; and

(E) by inserting after such paragraph (5) the following new paragraph:

''(6) the term 'National Network of Fusion Centers' means a decentralized arrangement of fusion centers intended to enhance individual State and urban area fusion centers' ability to leverage the capabilities and expertise of all fusion centers for the purpose of enhancing analysis and homeland security information sharing nationally; and''; and

(8) by striking subsection (k).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act and annually thereafter through 2024, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security shall report to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate on the value of fusion center intelligence products and the expenditure of authorized funds for the support and coordination of the National Network of Fusion Centers as specified in section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as amended by subsection (a).

(c) REPORT ON FEDERAL DATABASES.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the Federal databases and datasets that address any gaps identified pursuant to section 210A(b)(2)(B) of the Homeland Security Act of 2002, as amended by subsection (a), including databases and datasets used, operated, or managed by Department components, the Department of Justice, including the Federal Bureau of Investigation and the Drug Enforcement Administration, and the Department of the Treasury, that are appropriate, in accordance with Federal laws and policies, for inclusion in the information sharing environment.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 2103(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 623(c)(1)) is amended by striking ''210A(j)(1)'' and inserting ''210A(j)''.

(2) The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 210A and inserting the following:

''Sec. 210A. Department of Homeland Security Fusion Center Partnership Initiative.''.

(e) REFERENCE.—Any reference in any law, rule, or regulation to the Department of Homeland Security State, Local, and Regional Fusion Center Initiative shall be deemed to be a reference to the Department of Homeland Security Fusion Center Partnership Initiative.

SEC. 1312. FUSION CENTER PERSONNEL NEEDS ASSESSMENT.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an assessment of Department of Homeland Security personnel assigned to fusion centers pursuant to section 210A(c) of the Homeland Security Act of 2002 (6 U.S.C. 124h(c)), as amended by this Act, including an assessment of whether deploying additional Department personnel to such fusion centers would enhance the Department's mission under section 101(b) of such Act (6 U.S.C. 111(b)) and the National Network of Fusion Centers.

(2) CONTENTS.—The assessment required under this subsection shall include the following:

(A) Information on the current deployment of the Department's personnel to each fusion center.

(B) Information on the roles and responsibilities of the Department's Office of Intelligence and Analysis intelligence officers, intelligence analysts, senior reports officers, reports officers, and regional directors deployed to fusion centers.

(C) Information on Federal resources, in addition to personnel, provided to each fusion center.

(D) An assessment of fusion centers located in jurisdictions along land and maritime borders of the United States, and the degree to which deploying personnel, as appropriate, from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Coast Guard to such fusion centers would enhance the integrity and security at such borders by helping Federal, State, local, tribal, and territorial law enforcement authorities to identify, investigate, and interdict persons, weapons, and related contraband that pose a threat to homeland security.

(b) DEFINITIONS.—In this section, the terms ''fusion center'' and ''National Network of Fusion Centers'' have the meanings given those terms in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as amended by this Act.

SEC. 1313. STRATEGY FOR FUSION CENTERS SUPPORTING COUNTERNARCOTICS INITIATIVES THROUGH INTELLIGENCE INFORMATION SHARING AND ANALYSIS.

Not later than 180 days after the date of enactment of this Act, the Under Secretary for Intelligence and Analysis shall submit to Congress a strategy for how the National Network of Fusion Centers (as defined in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as amended by this Act) will support law enforcement counternarcotics activities and investigations through intelligence information sharing and analysis, including providing guidelines and best practices to fusion center leadership and personnel.

SEC. 1314. PROGRAM FOR STATE AND LOCAL ANALYST CLEARANCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any program established by the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to provide eligibility for access to information classified as Top Secret for State, local, tribal, and territorial analysts located in fusion centers shall be consistent with the need to know requirements pursuant to Executive Order No. 13526 (50 U.S.C. 3161 note).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary for Intelligence and Analysis of the Department of Homeland Security, in consultation with the Director of National Intelligence, shall submit to the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate a report on the following:

(1) The process by which the Under Secretary for Intelligence and Analysis determines a need to know pursuant to Executive Order No. 13526 (50 U.S.C. 3161 note) to sponsor Top Secret clearances for appropriate State, local, tribal, and territorial analysts located in fusion centers.

(2) The effects of such Top Secret clearances on enhancing information sharing with State, local, tribal, and territorial partners.

(3) The cost for providing such Top Secret clearances for State, local, tribal, and territorial analysts located in fusion centers, including training and background investigations.

(4) The operational security protocols, training, management, and risks associated with providing such Top Secret clearances for State, local, tribal, and territorial analysts located in fusion centers.

(c) DEFINITION.—In this section, the term ''fusion center'' has the meaning given the

term in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as amended by this Act.

SEC. 1315. INFORMATION TECHNOLOGY ASSESSMENT.

(a) IN GENERAL.—The Under Secretary for Intelligence and Analysis of the Department of Homeland Security, in collaboration with the Chief Information Officer of the Department of Homeland Security and representatives from the National Network of Fusion Centers, shall conduct an assessment of information systems used to share homeland security information between the Department of Homeland Security and fusion centers in the National Network of Fusion Centers and make upgrades to such systems, as appropriate. Such assessment shall include the following:

(1) An evaluation of the security, accessibility, and ease of use of such systems by fusion centers in the National Network of Fusion Centers.

(2) A review to determine how to establish improved interoperability of departmental information systems with existing information systems used by fusion centers in the National Network of Fusion Centers.

(3) An evaluation of participation levels of departmental components and offices of information systems used to share homeland security information with fusion centers in the National Network of Fusion Centers.

(b) DEFINITIONS.—In this section—

(1) the terms ''fusion center'' and ''National Network of Fusion Centers'' have the meanings given those terms in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as amended by this Act;

(2) the term ''homeland security information'' has the meaning given the term in section 892 of the Homeland Security Act of 2002 (6 U.S.C. 482); and

(3) the term ''information systems'' has the meaning given the term in section 3502 of title 44, United States Code.

SEC. 1316. DEPARTMENT OF HOMELAND SECURITY CLASSIFIED FACILITY INVENTORY.

(a) IN GENERAL.—The Secretary of Homeland Security shall, to the extent practicable—

(1) maintain an inventory of those Department of Homeland Security facilities that the Department certifies to house classified infrastructure or systems at the Secret level and above;

(2) update such inventory on a regular basis; and

(3) share part or all of such inventory with personnel as determined appropriate by the Secretary of Homeland Security.

(b) INVENTORY.—The inventory of facilities described in subsection (a) may include—

(1) the location of such facilities;

(2) the attributes and capabilities of such facilities (including the clearance level of the facility, the square footage of, the total capacity of, the number of workstations in, document storage, and the number of conference rooms in, such facilities);

(3) the entities that operate such facilities; and

(4) the date of establishment of such facilities.

SEC. 1317. TERROR INMATE INFORMATION SHARING.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Attorney General and in consultation with other appropriate Federal officials, shall, as appropriate, share with the National Network of Fusion Centers through the Department of Homeland Security Fusion Center Partnership Initiative under section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h), as amended by this Act, as well as other relevant law enforcement entities, release information from a Federal correctional facility, including the name, charging date, and expected place and date of release, of certain individuals who may pose a terrorist threat.

(b) SCOPE.—The information shared under subsection (a) shall be—

(1) for homeland security purposes; and

(2) regarding individuals convicted of a Federal crime of terrorism (as defined in section 2332b of title 18, United States Code).

(c) PERIODIC THREAT ASSESSMENTS.—Consistent with the protection of classified information and controlled unclassified information, the Secretary of Homeland Security shall coordinate with appropriate Federal officials to provide the National Network of Fusion Centers described in subsection (a) with periodic assessments regarding the overall threat from known or suspected terrorists currently incarcerated in a Federal correctional facility, including the assessed risks of such populations engaging in terrorist activity upon release.

(d) PRIVACY PROTECTIONS.—Prior to implementing subsection (a), the Secretary of Homeland Security shall receive input and advice from the Officer for Civil Rights and Civil Liberties, the Officer for Privacy and the Chief Intelligence Officer of the Department of Homeland Security.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed as requiring the establishment of a list or registry of individuals convicted of terrorism.

(f) DEFINITION.—In this section, the term ''fusion center'' has the meaning given the term in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)), as amended by this Act.

SEC. 1318. ANNUAL REPORT ON OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.

Section 2006(b) of the Homeland Security Act of 2002 (6 U.S.C. 607(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) REPORT.—For each of fiscal years 2019 through 2023, the Assistant Secretary for State and Local Law Enforcement shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the activities of the Office for State and Local Law Enforcement. Each such report shall include, for the fiscal year covered by the report, a description of each of the following:

''(A) Efforts to coordinate and share information regarding Department and component agency programs with State, local, and tribal law enforcement agencies.

''(B) Efforts to improve information sharing through the Homeland Security Information Network by appropriate component agencies of the Department and by State, local, and tribal law enforcement agencies.

''(C) The status of performance metrics within the Office for State and Local Law Enforcement to evaluate the effectiveness of efforts to carry out responsibilities set forth within this subsection.

''(D) Any feedback from State, local, and tribal law enforcement agencies about the Office for State and Local Law Enforcement, including the mechanisms utilized to collect such feedback.

''(E) Efforts to carry out all other responsibilities of the Office for State and Local Law Enforcement.''.

SEC. 1319. ANNUAL CATALOG ON DEPARTMENT OF HOMELAND SECURITY TRAINING, PUBLICATIONS, PROGRAMS, AND SERVICES FOR STATE, LOCAL, TRIBAL, AND TERRITORIAL LAW ENFORCEMENT AGENCIES.

Section 2006(b)(4) of the Homeland Security Act of 2002 (6 U.S.C. 607(b)(4)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(G) produce an annual catalog that summarizes opportunities for training, publications, programs, and services available to State, local, tribal, and territorial law enforcement agencies from the Department and from each component and office within the Department and, not later than 30 days after the date of such production, disseminate the catalog, including by—

''(i) making such catalog available to State, local, tribal, and territorial law enforcement agencies, including by posting the catalog on the website of the Department and cooperating with national organizations that represent such agencies;

''(ii) making such catalog available through the Homeland Security Information Network; and

''(iii) submitting such catalog to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(H) in coordination with appropriate components and offices of the Department and other Federal agencies, develop, maintain, and make available information on Federal resources intended to support fusion center access to Federal information and resources.''.

SEC. 1320. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), as amended by subtitle A of this Act, is amended by adding at the end the following:

''SEC. 210J. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR INTELLIGENCE AND INFORMATION SHARING.

''(a) IN GENERAL.—The Office of Intelligence and Analysis of the Department shall—

''(1) support homeland security-focused intelligence analysis of terrorist actors, their claims, and their plans to conduct attacks involving chemical, biological, radiological, or nuclear materials against the United States;

''(2) support homeland security-focused intelligence analysis of global infectious disease, public health, food, agricultural, and veterinary issues;

''(3) support homeland security-focused risk analysis and risk assessments of the homeland security hazards described in paragraphs (1) and (2), including the transportation of chemical, biological, nuclear, and radiological materials, by providing relevant quantitative and nonquantitative threat information;

''(4) leverage existing and emerging homeland security intelligence capabilities and structures to enhance prevention, protection, response, and recovery efforts with respect to a chemical, biological, radiological, or nuclear attack;

''(5) share information and provide tailored analytical support on these threats to State, local, and tribal authorities, other Federal agencies, and relevant national biosecurity

and biodefense stakeholders, as appropriate; and

''(6) perform other responsibilities, as assigned by the Secretary.

''(b) COORDINATION.—Where appropriate, the Office of Intelligence and Analysis shall coordinate with other relevant Department components, including the Countering Weapons of Mass Destruction Office, the National Biosurveillance Integration Center, other agencies within the intelligence community, including the National Counter Proliferation Center, and other Federal, State, local, and tribal authorities, including officials from high-threat urban areas, State and major urban area fusion centers, and local public health departments, as appropriate, and enable such entities to provide recommendations on optimal information sharing mechanisms, including expeditious sharing of classified information, and on how such entities can provide information to the Department.

''(c) DEFINITIONS.—In this section:

''(1) FUSION CENTER.—The term 'fusion center' has the meaning given the term in section 210A.

''(2) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(3) NATIONAL BIOSECURITY AND BIODEFENSE STAKEHOLDERS.—The term 'national biosecurity and biodefense stakeholders' means officials from Federal, State, local, and tribal authorities and individuals from the private sector who are involved in efforts to prevent, protect against, respond to, and recover from a biological attack or other phenomena that may have serious health consequences for the United States, including infectious disease outbreaks.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by subtitle A of this title, is amended by inserting after the item relating to section 210I the following:

''Sec. 210J. Chemical, biological, radiological, and nuclear intelligence and information sharing.''.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary of Homeland Security shall report to the appropriate congressional committees on—

(A) the intelligence and information sharing activities under section 210I of the Homeland Security Act of 2002 (as added by subsection (a) of this section) and of all relevant entities within the Department of Homeland Security to counter the threat from attacks using chemical, biological, radiological, or nuclear materials; and

(B) the Department's activities in accordance with relevant intelligence strategies.

(2) ASSESSMENT OF IMPLEMENTATION.—The reports required under paragraph (1) shall include—

(A) an assessment of the progress of the Office of Intelligence and Analysis of the Department of Homeland Security in implementing such section 210I; and

(B) a description of the methods established to carry out such assessment.

(3) TERMINATION.—This subsection shall terminate on the date that is 5 years after the date of enactment of this Act.

(4) DEFINITION.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and the Permanent Select Committee on Intelligence of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate; and

(C) any other committee of the House of Representatives or the Senate having legislative jurisdiction under the rules of the House of Representatives or Senate, respectively, over the matter concerned.

(d) DISSEMINATION OF INFORMATION ANALYZED BY THE DEPARTMENT TO STATE, LOCAL, TRIBAL, AND PRIVATE ENTITIES WITH RESPONSIBILITIES RELATING TO HOMELAND SECURITY.—Section 201(d)(8) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)(8)) is amended by striking ''and to agencies of State'' and all that follows through the period at the end and inserting ''to State, local, and tribal governments and private entities with such responsibilities, and, as appropriate, to the public, in order to assist in preventing, deterring, or responding to acts of terrorism against the United States.''.

SEC. 1321. DUTY TO REPORT.

(a) DUTY IMPOSED.—Except as provided in subsection (c), whenever an act of terrorism occurs in the United States, it shall be the duty of the primary Government agency investigating such act to submit, in collaboration with the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, and, as appropriate, the Director of the National Counterterrorism Center, an unclassified report (which may be accompanied by a classified annex) to Congress concerning such act not later than 1 year after the completion of the investigation. Reports required under this subsection may be combined into a quarterly report to Congress.

(b) CONTENT OF REPORTS.—Each report under this section shall include—

(1) a statement of the facts of the act of terrorism referred to in subsection (a), as known at the time of the report;

(2) an explanation of any gaps in national security that could be addressed to prevent future acts of terrorism;

(3) any recommendations for additional measures that could be taken to improve homeland security, including potential changes in law enforcement practices or changes in law, with particular attention to changes that could help prevent future acts of terrorism; and

(4) a summary of the report for public distribution.

(c) EXCEPTION.—The duty established under subsection (a) shall not apply in instances in which the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, or the head of the National Counterterrorism Center determines that the information required to be reported could jeopardize an ongoing investigation or prosecution. In such instances, the principal making such determination shall notify Congress of such determination before the first anniversary of the completion of the investigation described in such subsection.

(d) DEFINED TERM.—In this section, the term ''act of terrorism'' has the meaning given the term in section 3077 of title 18, United States Code.

SEC. 1322. STRATEGY FOR INFORMATION SHARING REGARDING NARCOTICS TRAFFICKING IN INTERNATIONAL MAIL.

Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Commissioner of U.S. Customs and Border Protection, and other Federal agencies, as appropriate, shall submit to Congress a strategy to share counternarcotics information related to international mail, including information about best practices and known shippers of illegal narcotics, between—

(1) Department of Homeland Security components;

(2) the United States Postal Service;

(3) express consignment operators;

(4) peer-to-peer payment platforms; and

(5) other appropriate stakeholders.

SEC. 1323. CONSTITUTIONAL LIMITATIONS.

All intelligence gathering and information sharing activities conducted by the Department of Homeland Security under this title or an amendment made by this title shall be carried out in accordance with the rights and protections afforded by the Constitution of the United States.

TITLE IV—EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

Subtitle A—Grants, Training, Exercises, and Coordination

SEC. 1401. URBAN AREA SECURITY INITIATIVE.

Section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) is amended—

(1) in subsection (b)(2)(A), in the matter preceding clause (i), by inserting '', using the most up-to-date data available,'' after ''assessment'';

(2) in subsection (d)(2), by amending subparagraph (B) to read as follows:

''(B) FUNDS RETAINED.—To ensure transparency and avoid duplication, a State shall provide each relevant high-risk urban area with a detailed accounting of the items, services, or activities on which any funds retained by the State under subparagraph (A) are to be expended. Such accounting shall be provided not later than 90 days after the date on which such funds are retained.''; and

(3) by striking subsection (e) and inserting the following new subsections:

''(e) THREAT AND HAZARD IDENTIFICATION RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—As a condition of receiving a grant under this section, each high-risk urban area shall submit to the Administrator a threat and hazard identification and risk assessment and capability assessment—

''(1) at such time and in such form as is required by the Administrator; and

''(2) consistent with the Federal Emergency Management Agency's Comprehensive Preparedness Guide 201, Second Edition, or such successor document or guidance as is issued by the Administrator.

''(f) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.''.

SEC. 1402. STATE HOMELAND SECURITY GRANT PROGRAM.

Section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) is amended by striking subsection (f) and inserting the following new subsections:

''(f) THREAT AND HAZARD IDENTIFICATION AND RISK ASSESSMENT AND CAPABILITY ASSESSMENT.—

''(1) IN GENERAL.—As a condition of receiving a grant under this section, each State shall submit to the Administrator a threat and hazard identification and risk assessment and capability assessment—

''(A) at such time and in such form as is required by the Administrator; and

''(B) consistent with the Federal Emergency Management Agency's Comprehensive Preparedness Guide 201, Second Edition, or such successor document or guidance as is issued by the Administrator.

''(2) COLLABORATION.—In developing the threat and hazard identification and risk assessment under paragraph (1), a State shall solicit input from local and tribal governments, including first responders, and, as appropriate, nongovernmental and private sector stakeholders.

''(3) FIRST RESPONDERS DEFINED.—In this subsection, the term 'first responders'—

''(A) means an emergency response provider; and

''(B) includes representatives of local governmental and nongovernmental fire, law enforcement, emergency management, and emergency medical personnel.

''(g) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.''.

SEC. 1403. GRANTS TO DIRECTLY ELIGIBLE TRIBES.

Section 2005 of the Homeland Security Act of 2002 (6 U.S.C. 606) is amended by—

(1) redesignating subsections (h) through (k) as subsections (i) through (l), respectively; and

(2) inserting after subsection (g) the following new subsection:

''(h) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.''.

SEC. 1404. LAW ENFORCEMENT TERRORISM PREVENTION.

(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—Section 2006(a) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)) is amended—

(1) in paragraph (1)—

(A) by inserting ''States and high-risk urban areas expend'' after ''that''; and

(B) by striking ''is used'';

(2) in paragraph (2), by amending subparagraph (I) to read as follows:

''(I) activities as determined appropriate by the Administrator, in coordination with the Assistant Secretary for State and Local Law Enforcement within the Office of Partnership and Engagement of the Department, through outreach to relevant stakeholder organizations; and''; and

(3) by adding at the end the following new paragraph:

''(4) ANNUAL REPORT.—The Administrator, in coordination with the Assistant Secretary for State and Local Law Enforcement, shall report annually from fiscal year 2018 through fiscal year 2022 on the use of grants under sections 2003 and 2004 for law enforcement terrorism prevention activities authorized under this section, including the percentage and dollar amount of funds used for such activities and the types of projects funded.''.

(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—Section 2006(b) of the Homeland Security Act of 2002 (6 U.S.C. 607(b)) is amended—

(1) in paragraph (1), by striking ''Policy Directorate'' and inserting ''Office of Partnership and Engagement''; and

(2) in paragraph (4)—

(A) in subparagraph (B), by inserting '', including through consultation with such agencies regarding Department programs that may impact such agencies'' before the semicolon at the end; and

(B) in subparagraph (D), by striking ''ensure'' and inserting ''verify''.

SEC. 1405. PRIORITIZATION.

Section 2007(a) of the Homeland Security Act of 2002 (6 U.S.C. 608(a)) is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

''(A) its population, including consideration of domestic and international tourists, commuters, and military populations, including military populations residing in communities outside military installations;'';

(B) in subparagraph (E), by inserting '', including threat information from other relevant Federal agencies and field offices, as appropriate'' before the semicolon at the end; and

(C) in subparagraph (I), by striking ''target'' and inserting ''core''; and

(2) in paragraph (2), by striking ''target'' and inserting ''core''.

SEC. 1406. ALLOWABLE USES.

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''target'' and inserting ''core'';

(B) in paragraph (5), by inserting before the semicolon at the end the following: '', provided such emergency communications align with the Statewide Communication Interoperability Plan and are coordinated with the Statewide Interoperability Coordinator or Statewide interoperability governance body of the State of the recipient'';

(C) by striking paragraph (14);

(D) by redesignating paragraphs (6) through (13) as paragraphs (8) through (15), respectively;

(E) by inserting after paragraph (5) the following new paragraphs:

''(6) enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, including the development and maintenance of an initial pharmaceutical stockpile, including medical kits and diagnostics sufficient to protect first responders (as defined in section 2004(f)), their families, immediate victims, and vulnerable populations from a chemical or biological event;

''(7) enhancing cybersecurity, including preparing for and responding to cybersecurity risks and incidents (as such terms are defined in section 2209) and developing statewide cyber threat information analysis and dissemination activities;'';

(F) in paragraph (8), as so redesignated, by striking ''Homeland Security Advisory System'' and inserting ''National Terrorism Advisory System'';

(G) in paragraph (14), as so redesignated—

(i) by striking ''3'' and inserting ''5''; and

(ii) by adding ''and'' at the end; and

(H) in paragraph (15), as so redesignated, by striking ''; and'' and inserting a period;

(2) in subsection (b)—

(A) in paragraph (3)(B), by striking ''(a)(10)'' and inserting ''(a)(12)''; and

(B) in paragraph (4)(B)(i), by striking ''target'' and inserting ''core''; and

(3) in subsection (c), by striking ''target'' and inserting ''core''.

SEC. 1407. APPROVAL OF CERTAIN EQUIPMENT.

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

(1) in subsection (f)—

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

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

''(g) REVIEW PROCESS.—The Administrator shall implement a uniform process for reviewing applications to use grants provided under section 2003 or 2004 to purchase equipment or systems not included on the Authorized Equipment List maintained by the Administrator.''.

(b) INSPECTOR GENERAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report assessing the implementation of the review process established under paragraph (2) of subsection (f) of section 2008 of the Homeland Security Act of 2002 (as added by subsection (a) of this section), including information on the following:

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

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

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

SEC. 1408. AUTHORITY FOR EXPLOSIVE ORDNANCE DISPOSAL UNITS TO ACQUIRE NEW OR EMERGING TECHNOLOGIES AND CAPABILITIES.

The Secretary of Homeland Security may authorize an explosive ordnance disposal unit to acquire new or emerging technologies and capabilities that are not specifically provided for in the authorized equipment allowance for the unit, as such allowance is set forth in the Authorized Equipment List maintained by the Administrator of the Federal Emergency Management Agency.

SEC. 1409. MEMORANDA OF UNDERSTANDING.

(a) IN GENERAL.—Subtitle B of title XX of the Homeland Security Act of 2002 (6 U.S.C. 611 et seq.) is amended by adding at the end the following new section:

''SEC. 2024. MEMORANDA OF UNDERSTANDING WITH DEPARTMENTAL COMPONENTS AND OFFICES REGARDING THE POLICY AND GUIDANCE.

''The Administrator shall enter into memoranda of understanding with the heads of the following departmental components and offices delineating the roles and responsibilities of such components and offices regarding the policy and guidance for grants under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135), sections 2003 and 2004 of this Act, and section 70107 of title 46, United States Code, as appropriate:

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

''(2) The Administrator of the Transportation Security Administration.

''(3) The Commandant of the Coast Guard.

''(4) The Under Secretary for Intelligence and Analysis.

''(5) The Assistant Director for Emergency Communications.

''(6) The Assistant Secretary for State and Local Law Enforcement.

''(7) The Countering Violent Extremism Coordinator.

''(8) The Officer for Civil Rights and Civil Liberties.

''(9) The Chief Medical Officer.

''(10) The heads of other components or offices of the Department, as determined by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2023 the following new item:

''Sec. 2024. Memoranda of understanding with departmental components and offices regarding the policy and guidance.''.

SEC. 1410. GRANTS METRICS.

(a) IN GENERAL.—To determine the extent to which grants under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 603, 604) have closed capability gaps identified in State Preparedness Reports required under subsection (c) of section 652 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752; title VI of the Department of Homeland Security Appropriations Act, 2007; Public Law 109–295) and Threat and Hazard Identification and Risk Assessments required under subsections (e) and (f) of such sections 2003 and 2004, respectively, as added by this Act, from each State and high-risk urban area, the Administrator of the Federal Emergency Management Agency shall conduct and submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of information provided in those reports and assessments.

(b) ASSESSMENT REQUIREMENTS.—The assessment required under subsection (a) shall include—

(1) a comparison of successive State Preparedness Reports and Threat and Hazard Identification and Risk Assessments that aggregates results across the States and high-risk urban areas; and

(2) an assessment of the value and usefulness of State Preparedness Reports and Threat and Hazard Identification and Risk Assessments, including—

(A) the degree to which such reports and assessments are data-driven and empirically supported;

(B) the degree to which such reports and assessments have informed grant award decisions by the Federal Emergency Management Agency;

(C) the degree to which grant award decisions by the Federal Emergency Management Agency have demonstrably reduced the risks identified in such reports and assessments;

(D) the degree to which such reports and assessments align with Federal risk assessments, including counterterrorism risk assessments, and the degree to which grant award decisions by the Federal Emergency Management Agency have reduced those federally identified risks;

(E) the degree to which capability gaps identified in such reports and assessments have been mitigated; and

(F) options for improving State Preparedness Reports and Threat and Hazard Identification and Risk Assessments so that they better inform and align with grant award decisions by the Federal Emergency Management Agency.

(c) INSPECTOR GENERAL EVALUATION.—The Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report evaluating the assessment conducted by the Administrator of the Federal Emergency Management Agency under subsection (a).

SEC. 1411. GRANT MANAGEMENT BEST PRACTICES.

The Administrator of the Federal Emergency Management Agency shall include on the website of the Federal Emergency Management Agency the following:

(1) A summary of findings identified by the Office of the Inspector General of the Department of Homeland Security in audits of grants under sections 2003 and 2004 of the Homeland Security Act of 2002 (6 U.S.C. 603, 604) and methods to address areas identified for improvement, including opportunities for technical assistance.

(2) Innovative projects and best practices instituted by grant recipients.

SEC. 1412. PROHIBITION ON CONSOLIDATION.

(a) IN GENERAL.—The Secretary of Homeland Security may not implement the National Preparedness Grant Program or any successor consolidated grant program unless the Secretary receives prior authorization from Congress permitting such implementation.

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall conduct a study of consolidating preparedness grant programs to—

(1) determine if the consolidated grant program would be more efficient, effective, and cost effective; and

(2) assess whether the responsibility for managing the preparedness grant programs should be relocated within the Department of Homeland Security.

SEC. 1413. MAINTENANCE OF GRANT INVESTMENTS.

Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609), as amended by section 1407, is amended by adding at the end the following new subsection:

''(h) MAINTENANCE OF EQUIPMENT.—Any applicant for a grant under section 2003 or 2004 seeking to use funds to purchase equipment, including pursuant to paragraphs (3), (4), (5), or (12) of subsection (a) of this section, shall by the time of the receipt of such grant develop a plan for the maintenance of such equipment over its life-cycle that includes information identifying which entity is responsible for such maintenance.''.

SEC. 1414. TRANSIT SECURITY GRANT PROGRAM.

Section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135) is amended—

(1) in subsection (b)(2)(A), by inserting ''and costs associated with filling the positions of employees receiving training during their absence'' after ''security training''; and

(2) by striking subsection (m) and inserting the following new subsections:

''(m) PERIODS OF PERFORMANCE.—Funds provided pursuant to a grant awarded under this section for a use specified in subsection (b) shall remain available for use by a grant recipient for a period of not fewer than 36 months.''.

SEC. 1415. PORT SECURITY GRANT PROGRAM.

Section 70107 of title 46, United States Code, is amended by—

(1) striking subsection (l);

(2) redesignating subsection (m) as subsection (l); and

(3) by adding at the end the following new subsections:

''(m) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.''.

SEC. 1416. CYBER PREPAREDNESS.

(a) IN GENERAL.—Section 2209 of the Homeland Security Act of 2002, as so redesignated by section 1601(g), is amended—

(1) in subsection (c)—

(A) in paragraph (5)(B), by inserting '', including the National Network of Fusion Centers (as defined in section 210A), as appropriate'' before the semicolon at the end;

(B) in paragraph (7), in the matter preceding subparagraph (A), by striking ''information and recommendations'' each place it appears and inserting ''information, recommendations, and best practices''; and

(C) in paragraph (9), by inserting ''best practices,'' after ''defensive measures,''; and

(2) in subsection (d)(1)(B)(ii), by inserting ''and State, local, and regional fusion centers (as defined in section 201A), as appropriate'' before the semicolon at the end.

(b) SENSE OF CONGRESS.—It is the sense of Congress that to facilitate the timely dissemination to appropriate State, local, and private sector stakeholders of homeland security information related to cyber threats, the Secretary of Homeland Security should, to the greatest extent practicable, work to share actionable information in an unclassified form related to such threats.

SEC. 1417. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 2009. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as 'Operation Stonegarden'. Under such program, the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State Administrative Agency, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency shall—

''(1) be located in—

''(A) a State bordering either Canada or Mexico; or

''(B) a State or territory with a maritime border; and

''(2) be involved in an active, ongoing U.S. Customs and Border Protection operation coordinated through a sector office.

''(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for any of the following:

''(1) Equipment, including maintenance and sustainment costs.

''(2) Personnel costs, including overtime and backfill, directly incurred in support of enhanced border law enforcement activities.

''(3) Any activity permitted for Operation Stonegarden under the Department of Homeland Security's Fiscal Year 2016 Homeland Security Grant Program Notice of Funding Opportunity.

''(4) Any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.

''(e) COLLECTION OF INFORMATION.—For any fiscal year beginning on or after the date that is 30 days after the date of enactment of this section for which grants are made under Operation Stonegarden, the Administrator shall separately collect and maintain financial information with respect to grants awarded under Operation Stonegarden, which shall include—

''(1) the amount of the awards;

''(2) the amount obligated for the awards;

''(3) the amount of outlays under the awards;

''(4) financial plans with respect to the use of the awards;

''(5) any funding transfers or reallocations; and

''(6) any adjustments to spending plans or reprogramming.

''(f) OVERSIGHT BY THE ADMINISTRATOR.—

''(1) IN GENERAL.—The Administrator shall establish and implement guidelines—

''(A) to ensure that amounts made available under Operation Stonegarden are used in accordance with grant guidance and Federal laws;

''(B) to improve program performance reporting and program performance measurements to facilitate designing, implementing, and enforcing procedures under Operation Stonegarden; and

''(C) that require the recording of standardized performance data regarding program output.

''(2) SUBMISSION.—Not later than 90 days after the date of enactment of this section, the Administrator shall submit to the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the guidelines established under paragraph (1).

''(g) FINANCIAL REVIEW GUIDELINES.—

''(1) IN GENERAL.—The Administrator, in coordination with the Commissioner of U.S. Customs and Border Protection, shall develop and implement guidelines establishing procedures for implementing the auditing and reporting requirements under section 2022 with respect to Operation Stonegarden.

''(2) SUBMISSION.—Not later than 90 days after the date of enactment of this section, the Administrator shall submit to the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the guidelines established under paragraph (1).

''(h) REPORT AND BRIEFING.—The Administrator, in coordination with the Commissioner of U.S. Customs and Border Protection, shall, at least annually during each of fiscal years 2018 through 2022, submit to the Committee on Homeland Security and the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report and briefing including—

''(1) for the period covered by the report—

''(A) information on how each recipient of a grant under Operation Stonegarden expended amounts received under the grant;

''(B) a list of all operations carried out using amounts made available under Operation Stonegarden; and

''(C) for each operation described in subparagraph (B)—

''(i) whether the operation is active or completed;

''(ii) the targeted purpose of the operation;

''(iii) the location of the operation; and

''(iv) the total number of hours worked by employees of the grant recipient and by employees of U.S. Customs and Border Protection with respect to the operation, including the number of hours for which such employees received basic pay and the number of hours for which such employees received premium pay, by type of premium pay; and

''(2) in the first report submitted under this subsection—

''(A) an examination of the effects changing the Operation Stonegarden Program to award multi-year grants would have on the mission of the program; and

''(B) the findings and recommendations of the Administrator regarding what changes could improve the program to better serve the program mission, which may include feedback from grant recipients.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 2008 the following:

''Sec. 2009. Operation Stonegarden.''.

SEC. 1418. NON-PROFIT SECURITY GRANT PROGRAM.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.), as amended by section 1417 of this Act, is amended by adding at the end the following:

''SEC. 2010. NON-PROFIT SECURITY GRANT PROGRAM.

''(a) ESTABLISHMENT.—There is established in the Department a program to be known as the 'Non-Profit Security Grant Program' (in this section referred to as the 'Program'). Under the Program, the Secretary, acting through the Administrator, shall make grants to eligible nonprofit organizations described in subsection (b), through the State in which such organizations are located, for target hardening and other security enhancements to protect against terrorist attacks.

''(b) ELIGIBLE RECIPIENTS.—Eligible nonprofit organizations described in this subsection (a) are organizations that are—

''(1) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(2) determined to be at risk of a terrorist attack by the Administrator.

''(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for any of the following:

''(1) Target hardening activities, including physical security enhancement equipment and inspection and screening systems.

''(2) Fees for security training relating to physical security and cybersecurity, target hardening, terrorism awareness, and employee awareness.

''(3) Any other appropriate activity related to security or security training, as determined by the Administrator.

''(d) ALLOCATION.—The Administrator shall ensure that not less than an amount equal to 30 percent of the total funds appropriated for grants under the Program for each fiscal year is used for grants to eligible nonprofit organizations described in subsection (b) that are located in jurisdictions not receiving funding under section 2003.

''(e) PERIOD OF PERFORMANCE.—The Administrator shall make funds provided under this section available for use by a recipient of a grant for a period of not less than 36 months.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended by striking ''sections 2003 and 2004'' and inserting ''sections 2003, 2004, and 2010''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1417(b), is amended by inserting after the item relating to section 2009 the following:

''Sec. 2010. Non-Profit Security Grant Program.''.

SEC. 1419. STUDY OF THE USE OF GRANT FUNDS FOR CYBERSECURITY.

Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the use of grant funds awarded pursuant to section 2003 and section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604, 605), including information on the following:

(1) The amount of grant funds invested or obligated annually during fiscal years 2006 through 2016 to support efforts to prepare for and respond to cybersecurity risks and incidents (as such terms are defined in section 2209 of such Act, as so redesignated by section 1601(g) of this Act).

(2) The degree to which grantees identify cybersecurity as a capability gap in the Threat and Hazard Identification and Risk Assessment required under subsections (e) and (f) of sections 2003 and 2004 of such Act (6 U.S.C. 604, 605), as added by this Act.

(3) Obstacles and challenges related to using grant funds to improve cybersecurity.

(4) Plans for future efforts to encourage grantees to use grant funds to improve cybersecurity capabilities.

SEC. 1420. JOINT COUNTERTERRORISM AWARENESS WORKSHOP SERIES.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 529. JOINT COUNTERTERRORISM AWARENESS WORKSHOP SERIES.

''(a) IN GENERAL.—The Administrator, in consultation with the Director of the National Counterterrorism Center and the Director of the Federal Bureau of Investigation, shall establish a Joint Counterterrorism Awareness Workshop Series (in this section referred to as the 'Workshop Series') to—

''(1) address emerging terrorist threats; and

''(2) enhance the ability of State and local jurisdictions to prevent, protect against, respond to, and recover from terrorist attacks.

''(b) PURPOSE.—The Workshop Series established under subsection (a) shall include—

''(1) reviewing existing preparedness, response, and interdiction plans, policies, and procedures related to terrorist attacks of the participating jurisdictions and identifying gaps in those plans, operational capabilities, response resources, and authorities;

''(2) identifying Federal, State, and local resources available to address the gaps identified under paragraph (1);

''(3) providing assistance, through training, exercises, and other means, to build or sustain, as appropriate, the capabilities to close those identified gaps;

''(4) examining the roles and responsibilities of participating agencies and respective communities in the event of a terrorist attack;

''(5) improving situational awareness and information sharing among all participating agencies in the event of a terrorist attack; and

''(6) identifying and sharing best practices and lessons learned from the Workshop Series.

''(c) DESIGNATION OF PARTICIPATING CITIES.—The Administrator shall select jurisdictions to host a Workshop Series from those cities that—

''(1) are currently receiving, or that previously received, funding under section 2003; and

''(2) have requested to be considered.

''(d) WORKSHOP SERIES PARTICIPANTS.—Individuals from State and local jurisdictions and emergency response providers in cities designated under subsection (c) shall be eligible to participate in the Workshop Series, including—

''(1) senior elected and appointed officials;

''(2) law enforcement;

''(3) fire and rescue;

''(4) emergency management;

''(5) emergency medical services;

''(6) public health officials;

''(7) private sector representatives;

''(8) representatives of nonprofit organizations; and

''(9) other participants as deemed appropriate by the Administrator.

''(e) REPORTS.—

''(1) WORKSHOP SERIES REPORT.—The Administrator, in consultation with the Director of the National Counterterrorism Center, the Director of the Federal Bureau of Investigation, and officials from the city in which a Workshop Series is held, shall develop and submit to all of the agencies participating in the Workshop Series a report after the conclusion of the Workshop Series that addresses—

''(A) key findings about lessons learned and best practices from the Workshop Series; and

''(B) potential mitigation strategies and resources to address gaps identified during the Workshop Series.

''(2) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this section and annually thereafter for 5 years, the Administrator, in consultation with the Director of the National Counterterrorism Center and the Director of the Federal Bureau of Investigation, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a comprehensive summary report of the key themes, lessons learned, and best practices identified during the Workshop Series held during the previous year.

''(f) AUTHORIZATION.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2018 through 2022 to carry out this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 528 the following:

''Sec. 529. Joint Counterterrorism Awareness Workshop Series.''.

SEC. 1421. EXERCISE ON TERRORIST AND FOREIGN FIGHTER TRAVEL; NATIONAL EXERCISE PROGRAM.

(a) EXERCISE ON TERRORIST AND FOREIGN FIGHTER TRAVEL.—

(1) IN GENERAL.—In addition to, or as part of, exercise programs carried out by the Department of Homeland Security as of the date of enactment of this Act, to enhance domestic preparedness for and collective response to terrorism, promote the dissemination of homeland security information, and test the security posture of the United States, the Secretary of Homeland Security, through appropriate offices and components of the Department of Homeland Security and in coordination with the relevant Federal departments and agencies, shall, not later than 1 year after the date of enactment of this Act, develop and conduct an exercise related to the terrorist and foreign fighter threat.

(2) EXERCISE REQUIREMENTS.—The exercise required under paragraph (1) shall include—

(A) a scenario involving—

(i) persons traveling from the United States to join or provide material support or resources to a terrorist organization abroad; and

(ii) terrorist infiltration into the United States, including United States citizens and foreign nationals; and

(B) coordination with relevant Federal departments and agencies, foreign governments, and State, local, tribal, territorial, and private sector stakeholders.

(3) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the completion of the exercise required under paragraph (1), the Secretary of Homeland Security shall, consistent with the protection of classified information, submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an after-action report presenting the initial findings of the exercise, including any identified or potential vulnerabilities in United States defenses and any legislative changes requested in light of the findings.

(B) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(b) EMERGING THREATS IN THE NATIONAL EXERCISE PROGRAM.—Section 648(b)(2)(A) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)(A)) is amended—

(1) in clause (v), by striking ''and'' at the end; and

(2) by adding after clause (vi) the following:

''(vii) designed, to the extent practicable, to include exercises addressing emerging terrorist threats, such as scenarios involving United States citizens departing the United States to enlist with or provide material support or resources to terrorist organizations abroad or terrorist infiltration into the United States, including United States citizens and foreign nationals; and''.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this section and the amendments made by this section. The requirements of this section and the amendments made by this section shall be carried out using amounts otherwise authorized.

SEC. 1422. GRANTS ACCOUNTABILITY.

Section 2022 of the Homeland Security Act of 2002 (6. U.S.C. 612) is amended—

(1) in subsection (a)(1)(B)—

(A) by striking ''The Department'' and inserting the following:

''(i) IN GENERAL.—The Department''; and

(B) by adding at the end the following:

''(ii) INSPECTOR GENERAL REVIEW.—With respect to each grant awarded, the Inspector General of the Department may—

''(I) examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency or other entity in receipt of or administering any grant awarded, that pertain to, and involve transactions relating to the contract, subcontract, grant, or subgrant; and

''(II) interview any officer or employee of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency or other entity in receipt of or administering any grant awarded, regarding transactions relating to the contract, subcontract, grant, or subgrant.

''(iii) RULE OF CONSTRUCTION.—Nothing in clause (ii) may be construed to limit or restrict the authority of the Inspector General of the Department.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''a grant under section 2003 or 2004'' and inserting ''a covered grant, any recipient, including'';

(II) by inserting a comma after ''tribe''; and

(III) by inserting ''or the Secretary, as appropriate under the covered grant,'' after ''Administrator'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''recipient, including any'' after ''for the applicable'';

(II) in clause (i), by striking ''section 2003 or 2004'' and inserting ''the covered grant'';

(III) in clause (ii)—

(aa) by striking ''section 2003 or 2004'' and inserting ''the covered grant''; and

(bb) by striking ''and'' at the end;

(IV) in clause (iii)—

(aa) by striking ''summary'' and inserting ''detailed''; and

(bb) by striking ''such funds'' and all that follows through the period at the end and inserting the following: ''such funds, including—

''(I) the name of the recipient and the project or activity;

''(II) a detailed description of the project or activity;

''(III) an evaluation of the completion status of the project or activity;

''(IV) in the case of an infrastructure investment—

''(aa) the purpose, total expected cost, and rationale for funding the infrastructure investment with funds made available; and

''(bb) the name of the point of contact for the recipient if there are questions concerning the infrastructure investment; and

''(V) detailed information from each subgrantee, including the information described in subparagraphs (I) through (IV), on any subgrant awarded by the recipient; and''; and

(V) by adding at the end the following:

''(iv) the total amount of funds received to date under each covered grant.'';

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i)—

(aa) by striking ''subparagraph (A) by a'' and inserting ''subparagraph (A) by any recipient, including any'';

(bb) by inserting a comma after ''tribe''; and

(cc) by inserting '', in addition to the contents required under subparagraph (B)'' after ''shall include'';

(II) in clause (ii)—

(aa) by inserting ''total'' before ''amount''; and

(bb) by adding ''and'' at the end;

(III) in clause (iii)—

(aa) by striking ''apply within'' and inserting ''apply to or within any recipient, including''; and

(bb) by striking ''; and'' and inserting a period; and

(IV) by striking clause (iv); and

(B) by adding at the end the following:

''(3) REQUIRED REPORTING FOR PRIOR AWARDED GRANTS.—Not later than 180 days after the end of the quarter following the date of enactment of this paragraph, each recipient of a covered grant awarded before the date of enactment of this paragraph shall provide the information required under this subsection and thereafter comply with the requirements of this subsection.

''(4) ASSISTANCE IN REPORTING.—The Administrator or the Secretary, as appropriate under the covered grant, in coordination with the Director of the Office of Management and Budget, shall provide for user-friendly means for grant recipients to comply with the reporting requirements of this subsection.

''(5) SUBGRANTEE REPORTING.—Each grant recipient required to report information under paragraph (1)(B)(iii)(V) shall register with the System for Award Management database or complete other registration requirements as determined necessary by the Director of the Office of Management and Budget.

''(6) PUBLICATION OF INFORMATION.—Not later than 7 days after the date on which the Administrator or the Secretary, as the case may be, receives the reports required to be submitted under this subsection, the Administrator and the Secretary shall make the information in the reports publicly available, in a searchable database, on the website of the Federal Emergency Management Agency or Department, as appropriate.

''(7) COVERED GRANT DEFINED.—In this subsection, the term 'covered grant' means a grant awarded under—

''(A) this Act; or

''(B) a program described in paragraphs (1) through (6) of section 2002(b) that is administered by the Department.''; and

(3) by adding at the end the following:

''(d) SUNSET AND DISPOSITION OF UNEXPENDED GRANT AMOUNTS.—

''(1) IN GENERAL.—Except as may be otherwise provided in the authorizing statute of a grant program, effective on the date that is 5 years after the date on which grant funds are distributed by the Administrator or the Secretary, as appropriate, under a covered grant (as defined in subsection (b)(7)), the authority of a covered grant recipient, including any grantee or subgrantee, to obligate, provide, make available, or otherwise expend those funds is terminated.

''(2) RETURN OF UNEXPENDED GRANT AMOUNTS.—Upon the termination of authority under paragraph (1), any grant amounts that have not been expended shall be returned to the Administrator or the Secretary, as the case may be. The Administrator or the Secretary, as the case may be, shall deposit any grant amounts returned under this paragraph in the General Fund of the Treasury in accordance with section 3302 of title 31, United States Code.

''(3) AWARDS TO RECIPIENTS RETURNING GRANT FUNDS.—On and after the date on which the authority of a covered grant recipient is terminated under paragraph (1) with respect to a grant under a covered grant program, the Administrator or the Secretary, as appropriate, may award a grant under the covered grant program to the covered grant recipient, only pursuant to the submission of a new grant application, in accordance with the requirements of the grant program.

''(4) APPLICABILITY.—This subsection shall apply to any grant awarded under a covered grant program on or after the date of enactment of this subsection.''.

Subtitle B—Communications

SEC. 1431. RESPONSIBILITIES OF ASSISTANT DIRECTOR FOR EMERGENCY COMMUNICATIONS.

(a) IN GENERAL.—Section 1801(c) of the Homeland Security Act of 2002 (6 U.S.C. 571(c)) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively;

(3) by redesignating paragraph (15) as paragraph (16);

(4) in paragraph (8), as so redesignated, by striking '', in cooperation with the National Communications System,'';

(5) in paragraph (11), as so redesignated, by striking ''Assistant Secretary for Grants and Training'' and inserting ''Administrator of the Federal Emergency Management Agency'';

(6) in paragraph (13), as so redesignated, by striking ''and'' at the end; and

(7) by inserting after paragraph (13) the following:

''(14) administer the Government Emergency Telecommunications Service (GETS) and Wireless Priority Service (WPS) programs, or successor programs;

''(15) assess the impact of emerging technologies on interoperable emergency communications; and''.

(b) PERFORMANCE OF PREVIOUSLY TRANSFERRED FUNCTIONS.—Section 1801(d) of the Homeland Security Act of 2002 (6 U.S.C. 571(d)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraph (3) as paragraph (2).

SEC. 1432. ANNUAL REPORTING ON ACTIVITIES OF THE EMERGENCY COMMUNICATIONS DIVISION.

Section 1801(f) of the Homeland Security Act of 2002 (6 U.S.C. 571(f)) is amended to read as follows:

''(f) ANNUAL REPORTING OF DIVISION ACTIVITIES.—The Assistant Director for Emergency Communications shall, not later than 1 year after the date of the enactment of this subsection and annually thereafter for each of the next 4 years, report to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the activities and programs of the Emergency Communications Division, including specific information on efforts to carry out paragraphs (3), (4), and (5) of subsection (c).''.

SEC. 1433. NATIONAL EMERGENCY COMMUNICATIONS PLAN.

Section 1802 of the Homeland Security Act of 2002 (6 U.S.C. 572) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking '', and in cooperation with the Department of National Communications System (as appropriate),''; and

(B) by inserting '', but not less than once every 5 years,'' after ''periodically''; and

(2) in subsection (c)—

(A) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) consider the impact of emerging technologies on the attainment of interoperable emergency communications;''.

SEC. 1434. TECHNICAL EDIT.

Section 1804(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 574(b)(1)) is amended, in the matter preceding subparagraph (A), by striking ''Assistant Secretary for Grants and Planning'' and inserting ''Administrator of the Federal Emergency Management Agency''.

SEC. 1435. COMMUNICATIONS TRAINING.

The Under Secretary for Management of the Department of Homeland Security, in coordination with the appropriate component heads, shall develop a mechanism, consistent with the strategy required pursuant to section 4 of the Department of Homeland Security Interoperable Communications Act (Public Law 114–29; 6 U.S.C. 194 note), to verify that radio users within the Department receive initial and ongoing training on the use of the radio systems of such components, including interagency radio use protocols.

Subtitle C—Other Matters

SEC. 1451. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE V.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended as follows:

(1) In section 501 (6 U.S.C. 311)—

(A) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and

(B) by inserting after paragraph (8) the following new paragraph:

''(9) the term 'Nuclear Incident Response Team' means a resource that includes—

''(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

''(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions.''.

(2) By striking section 502 (6 U.S.C. 312).

(3) In section 504(a)(3)(B) (6 U.S.C. 314(a)(3)(B)), by striking '', the National Disaster Medical System,''.

(4) In section 506 (6 U.S.C. 316)—

(A) by striking subsection (b);

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

(C) in subsection (b), as so redesignated, by striking ''section 708'' each place it appears and inserting ''section 707''.

(5) In section 509(c)(2) (6 U.S.C. 319(c)(2)), in the matter preceding subparagraph (A), by striking ''section 708'' and inserting ''section 707''.

(b) TITLE XX.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended—

(1) in section 2001 (6 U.S.C. 601)—

(A) by striking paragraph (13);

(B) by redesignating paragraphs (3) through (12) as paragraphs (4) through (13), respectively; and

(C) by inserting after paragraph (2) the following:

''(3) CORE CAPABILITIES.—The term 'core capabilities' means the capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).'';

(2) in subsection (k)(1) of section 2005 (6 U.S.C. 606), as so redesignated by section 1403, by striking ''target'' and inserting ''core''; and

(3) in section 2021(d)(3) (6 U.S.C. 611(d)(3)), by striking ''target'' each place it appears and inserting ''core''.

(c) IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007.—Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended—

(1) in subsection (b)(4), by striking ''Rescue'' and inserting ''Recovery''; and

(2) in subsection (d)(2), by striking ''Rescue'' and inserting ''Recovery''.

TITLE V—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 1501. SHORT TITLE.

This title may be cited as the ''FEMA Reauthorization Act of 2018''.

SEC. 1502. REAUTHORIZATION OF FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 699 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 811) is amended—

(1) by striking ''administration and operations'' each place the term appears and inserting ''management and administration'';

(2) in paragraph (2), by striking ''and'' at the end;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) for fiscal year 2018, $1,049,000,000;

''(5) for fiscal year 2019, $1,065,784,000; and

''(6) for fiscal year 2020, $1,082,836,544.''.

SEC. 1503. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended—

(1) in subsection (c), by inserting ''to the extent practicable, provide training in settings that simulate real response environments, such as urban areas,'' after ''levels,'';

(2) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

''(1) for the Center for Domestic Preparedness—

''(A) $63,939,000 for fiscal year 2018;
''(B) $64,962,024 for fiscal year 2019; and
''(C) $66,001,416 for fiscal year 2020; and
''(2) for the members of the National Domestic Preparedness Consortium described in paragraphs (2) through (7) of subsection (b)—
''(A) $101,000,000 for fiscal year 2018;
''(B) $102,606,000 for fiscal year 2019; and
''(C) $104,247,856 for fiscal year 2020.''; and
(3) in subsection (e)—
(A) in the matter preceding paragraph (1)—
(i) by striking ''each of the following entities'' and inserting ''members of the National Domestic Preparedness Consortium enumerated in subsection (b)''; and
(ii) by striking ''2007—'' and inserting ''2015.'' and
(B) by striking paragraphs (1) through (5).

SEC. 1504. RURAL DOMESTIC PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to establish a Rural Domestic Preparedness Consortium within the Department of Homeland Security consisting of universities and nonprofit organizations qualified to provide training to emergency response providers (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) from rural communities (as defined by the Federal Emergency Management Agency).

(b) DUTIES.—The Rural Domestic Preparedness Consortium authorized under subsection (a) shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers from rural communities, provide on-site and mobile training, and facilitate the delivery of training by the training partners of the Department of Homeland Security.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of amounts appropriated for Continuing Training Grants of the Department of Homeland Security, $5,000,000 is authorized to be used for the Rural Domestic Preparedness Consortium authorized under subsection (a).

SEC. 1505. CENTER FOR FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 1420 of this Act, is amended by adding at the end the following:

''SEC. 530. CENTER FOR FAITH-BASED AND NEIGHBORHOOD PARTNERSHIPS.

''(a) IN GENERAL.—There is established in the Agency a Center for Faith-Based and Neighborhood Partnerships, headed by a Director appointed by the Secretary.

''(b) MISSION.—The mission of the Center shall be to develop and coordinate departmental outreach efforts with faith-based and community organizations and serve as a liaison between those organizations and components of the Department for activities related to securing facilities, emergency preparedness and response, and combating human trafficking.

''(c) RESPONSIBILITIES.—In support of the mission of the Center for Faith-Based and Neighborhood Partnerships, the Director shall—

''(1) develop exercises that engage faith-based and community organizations to test capabilities for all hazards, including active shooter incidents;

''(2) coordinate the delivery of guidance and training to faith-based and community organizations related to securing their facilities against natural disasters, acts of terrorism, and other man-made disasters;

''(3) conduct outreach to faith-based and community organizations regarding guidance, training, and exercises and departmental capabilities available to assist faith-based and community organizations to secure their facilities against natural disasters, acts of terrorism, and other man-made disasters;

''(4) facilitate engagement and coordination among the emergency management community and faith-based and community organizations;

''(5) deliver training and technical assistance to faith-based and community organizations and provide subject-matter expertise related to anti-human trafficking efforts to help communities successfully partner with other components of the Blue Campaign of the Department; and

''(6) perform any other duties as assigned by the Administrator.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1420, is amended by inserting after the item relating to section 529 the following:

''Sec. 530. Center For Faith-Based And Neighborhood Partnerships.''.

SEC. 1506. EMERGENCY SUPPORT FUNCTIONS.

(a) UPDATE.—Paragraph (14) of section 504(a) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)), as so redesignated by section 1520, is amended by inserting '', periodically updating (but not less often than once every 5 years),'' after ''administering''.

(b) EMERGENCY SUPPORT FUNCTIONS.—Section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

''(d) COORDINATION.—The President, acting through the Administrator, shall develop and provide to Federal departments and agencies with coordinating, primary, or supporting responsibilities under the National Response Framework performance metrics to ensure readiness to execute responsibilities under the emergency support functions of the National Response Framework.''.

SEC. 1507. REVIEW OF NATIONAL INCIDENT MANAGEMENT SYSTEM.

Section 509(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 319(b)(2)) is amended, in the matter preceding subparagraph (A), by inserting '', but not less often than once every 5 years,'' after ''periodically''.

SEC. 1508. REMEDIAL ACTION MANAGEMENT PROGRAM.

Section 650 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 750) is amended to read as follows:

''SEC. 650. REMEDIAL ACTION MANAGEMENT PROGRAM.

''(a) IN GENERAL.—The Administrator, in coordination with the National Council on Disability and the National Advisory Council, shall establish a remedial action management program to—

''(1) analyze training, exercises, and real world events to identify lessons learned, corrective actions, and best practices;

''(2) generate and disseminate, as appropriate, the lessons learned, corrective actions, and best practices described in paragraph (1); and

''(3) conduct remedial action tracking and long-term trend analysis.

''(b) FEDERAL CORRECTIVE ACTIONS.—The Administrator, in coordination with the heads of appropriate Federal departments and agencies, shall—

''(1) utilize the program established under subsection (a) to collect information on corrective actions identified by such Federal departments and agencies during exercises and the response to natural disasters, acts of terrorism, and other man-made disasters; and

''(2) not later than 1 year after the date of the enactment of the FEMA Reauthorization Act of 2018 and annually thereafter for each of the next 4 years, submit to Congress a report on the status of those corrective actions.

''(c) DISSEMINATION OF AFTER ACTION REPORTS.—The Administrator shall provide electronically, to the maximum extent practicable, to Congress and Federal, State, local, tribal, and private sector officials after-action reports and information on lessons learned and best practices from responses to acts of terrorism, natural disasters, capstone exercises conducted under the national exercise program under section 648(b), and other emergencies or exercises.''.

SEC. 1509. CENTER FOR DOMESTIC PREPAREDNESS.

The Administrator of the Federal Emergency Management Agency shall—

(1) develop an implementation plan, including benchmarks and milestones, to address the findings and recommendations of the 2017 Management Review Team that issued a report on May 8, 2017, regarding live agent training at the Chemical, Ordnance, Biological and Radiological Training Facility; and

(2) provide to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate updates and information on efforts to implement recommendations related to the management review of the Chemical, Ordnance, Biological, and Radiological Training Facility of the Center for Domestic Preparedness of the Federal Emergency Management Agency, including, as necessary, information on additional resources or authority needed to implement such recommendations.

SEC. 1510. FEMA SENIOR LAW ENFORCEMENT ADVISOR.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 1505 of this Act, is amended by adding at the end the following:

''SEC. 531. SENIOR LAW ENFORCEMENT ADVISOR.

''(a) ESTABLISHMENT.—The Administrator shall appoint a Senior Law Enforcement Advisor to serve as a qualified expert to the Administrator for the purpose of strengthening the Agency's coordination among State, local, and tribal law enforcement.

''(b) QUALIFICATIONS.—The Senior Law Enforcement Advisor shall have an appropriate background with experience in law enforcement, information sharing, and other emergency response functions.

''(c) RESPONSIBILITIES.—The Senior Law Enforcement Advisor shall—

''(1) coordinate on behalf of the Administrator with the Office for State and Local Law Enforcement under section 2006 for the purpose of ensuring State, local, and tribal law enforcement receive consistent and appropriate consideration in policies, guidance, training, and exercises related to preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

''(2) work with the Administrator and the Office for State and Local Law Enforcement under section 2006 to ensure grants to State, local, and tribal government agencies, including programs under sections 2003, 2004, and 2006(a), appropriately focus on terrorism prevention activities; and

''(3) serve other appropriate functions as determined by the Administrator.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135), as amended by section 1505, is amended by inserting after the item relating to section 530 the following:

''Sec. 531. Senior Law Enforcement Advisor.''.

SEC. 1511. TECHNICAL EXPERT AUTHORIZED.

Section 503(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 313(b)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(I) identify and integrate the needs of children into activities to prepare for, protect against, respond to, recover from, and mitigate against natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents, including by appointing a technical expert, who may consult with relevant outside organizations and experts, as necessary, to coordinate such activities, as necessary.''.

SEC. 1512. MISSION SUPPORT.

(a) ESTABLISHMENT.—The Administrator of the Federal Emergency Management Agency shall designate an individual to serve as the chief management official and principal advisor to the Administrator on matters related to the management of the Federal Emergency Management Agency, including management integration in support of emergency management operations and programs.

(b) MISSION AND RESPONSIBILITIES.—The Administrator of the Federal Emergency Management Agency, acting through the official designated pursuant to subsection (a), shall be responsible for the management and administration of the Federal Emergency Management Agency, including with respect to the following:

(1) Procurement.

(2) Human resources and personnel.

(3) Information technology and communications systems.

(4) Real property investment and planning, facilities, accountable personal property (including fleet and other material resources), records and disclosure, privacy, safety and health, and sustainability and environmental management.

(5) Security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources.

(6) Any other management duties that the Administrator may designate.

(c) MOUNT WEATHER EMERGENCY OPERATIONS AND ASSOCIATED FACILITIES.—Nothing in this section shall be construed as limiting or otherwise affecting the role or responsibility of the Assistant Administrator for National Continuity Programs with respect to the matters described in subsection (b) as such matters relate to the Mount Weather Emergency Operations Center and associated facilities. The management and administration of the Mount Weather Emergency Operations Center and associated facilities remain the responsibility of the Assistant Administrator for National Continuity Programs.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes—

(1) a review of financial, human capital, information technology, real property planning, and acquisition management of headquarters and all regional offices of the Federal Emergency Management Agency; and

(2) a strategy for capturing financial, human capital, information technology, real property planning, and acquisition data.

SEC. 1513. STRATEGIC HUMAN CAPITAL PLAN.

Section 10102(c) of title 5, United States Code, is amended by striking ''2007'' and inserting ''2019''.

SEC. 1514. OFFICE OF DISABILITY INTEGRATION AND COORDINATION OF DEPARTMENT OF HOMELAND SECURITY.

(a) OFFICE OF DISABILITY INTEGRATION AND COORDINATION.—

(1) IN GENERAL.—Section 513 of the Homeland Security Act of 2002 (6 U.S.C. 321b) is amended to read as follows:

''SEC. 513. OFFICE OF DISABILITY INTEGRATION AND COORDINATION.

''(a) IN GENERAL.—There is established within the Agency an Office of Disability Integration and Coordination (in this section referred to as the 'Office'), which shall be headed by a Director.

''(b) MISSION.—The mission of the Office is to ensure that individuals with disabilities and other access and functional needs are included in emergency management activities throughout the Agency by providing guidance, tools, methods, and strategies for the purpose of equal physical program and effective communication access.

''(c) RESPONSIBILITIES.—In support of the mission of the Office, the Director shall—

''(1) provide guidance and coordination on matters related to individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(2) oversee Office employees responsible for disability integration in each regional office with respect to carrying out the mission of the Office;

''(3) liaise with other employees of the Agency, including nonpermanent employees, organizations representing individuals with disabilities, other agencies of the Federal Government, and State, local, and tribal government authorities regarding the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(4) coordinate with the technical expert on the needs of children within the Agency to provide guidance and coordination on matters related to children with disabilities in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(5) consult with organizations representing individuals with disabilities about access and functional needs in emergency planning requirements and relief efforts in the event of a natural disaster, act of terrorism, or other man-made disaster;

''(6) ensure the coordination and dissemination of best practices and model evacuation plans for individuals with disabilities;

''(7) collaborate with Agency leadership responsible for training to ensure that qualified experts develop easily accessible training materials and a curriculum for the training of emergency response providers, State, local, and tribal government officials, and others on the needs of individuals with disabilities;

''(8) coordinate with the Emergency Management Institute, the Center for Domestic Preparedness, Center for Homeland Defense and Security, the United States Fire Administration, the national exercise program described in section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)), and the National Domestic Preparedness Consortium to ensure that content related to persons with disabilities, access and functional needs, and children are integrated into existing and future emergency management trainings;

''(9) promote the accessibility of telephone hotlines and websites regarding emergency preparedness, evacuations, and disaster relief;

''(10) work to ensure that video programming distributors, including broadcasters, cable operators, and satellite television services, make emergency information accessible to individuals with hearing and vision disabilities;

''(11) ensure the availability of accessible transportation options for individuals with disabilities in the event of an evacuation;

''(12) provide guidance and implement policies to ensure that the rights and feedback of individuals with disabilities regarding post-evacuation residency and relocation are respected;

''(13) ensure that meeting the needs of individuals with disabilities are included in the components of the national preparedness system established under section 644 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 744); and

''(14) perform any other duties as assigned by the Administrator.

''(d) DIRECTOR.—After consultation with organizations representing individuals with disabilities, the Administrator shall appoint a Director. The Director shall report directly to the Administrator, in order to ensure that the needs of individuals with disabilities are being properly addressed in emergency preparedness and disaster relief.

''(e) ORGANIZATIONS REPRESENTING INDIVIDUALS WITH DISABILITIES DEFINED.—For purposes of this section, the term 'organizations representing individuals with disabilities' means the National Council on Disabilities, the Interagency Coordinating Council on Preparedness and Individuals with Disabilities, and other appropriate disability organizations.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 513 and inserting the following:

''513. Office of Disability Integration and Coordination.''.

(b) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to Congress a report on the funding and staffing needs of the Office of Disability Integration and Coordination under section 513 of the Homeland Security Act of 2002, as amended by subsection (a).

SEC. 1515. MANAGEMENT COSTS.

Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165b) is amended—

(1) in subsection (a), by striking ''any administrative expense, and any other expense not directly chargeable to'' and inserting ''direct administrative cost, and any other administrative expense associated with''; and

(2) in subsection (b)—

(A) by striking ''Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding'';

(B) in paragraph (1), as so designated, by striking ''establish'' and inserting ''implement''; and

(C) by adding at the end the following:

''(2) SPECIFIC MANAGEMENT COSTS.—The Administrator shall provide for management costs, in addition to the eligible project costs, to cover direct and indirect costs of administering the following programs:

''(A) HAZARD MITIGATION.—A grantee under section 404 may be reimbursed for direct and indirect administrative costs in a total amount of not more than 15 percent of the total amount of the grant award under such section of which not more than 10 percent

may be used by the grantee and 5 percent by the subgrantee for such costs.

''(B) PUBLIC ASSISTANCE.—A grantee under sections 403, 406, 407, and 502 may be reimbursed direct and indirect administrative costs in a total amount of not more than 12 percent of the total award amount under such sections, of which not more than 7 percent may be used by the grantee and 5 percent by the subgrantee for such costs.''.

SEC. 1516. PERFORMANCE OF SERVICES.

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149) is amended by adding at the end the following:

''(c) The Administrator of the Federal Emergency Management Agency may appoint temporary personnel, after serving continuously for 3 years, to positions in the Federal Emergency Management Agency in the same manner that competitive service employees with competitive status are considered for transfer, reassignment, or promotion to such positions. An individual appointed under this subsection shall become a career-conditional employee, unless the employee has already completed the service requirements for career tenure.''.

SEC. 1517. STUDY TO STREAMLINE AND CONSOLIDATE INFORMATION COLLECTION.

Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall—

(1) in coordination with the Small Business Administration, the Department of Housing and Urban Development, and other appropriate agencies, conduct a study and develop a plan, consistent with law, under which the collection of information from disaster assistance applicants and grantees will be modified, streamlined, expedited, consolidated, and simplified to be less burdensome, duplicative, and time consuming, and more efficient and flexible, for applicants and grantees;

(2) in coordination with the Small Business Administration, the Department of Housing and Urban Development, and other appropriate agencies, develop a plan for the regular collection and reporting of information on Federal disaster assistance awarded, including the establishment and maintenance of a website for presenting the information to the public; and

(3) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate—

(A) the plans developed under paragraphs (1) and (2); and

(B) recommendations, if any, of the Administrator for legislative changes to streamline or consolidate the collection or reporting of information, as described in paragraphs (1) and (2).

SEC. 1518. AGENCY ACCOUNTABILITY.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

''SEC. 430. AGENCY ACCOUNTABILITY.

''(a) PUBLIC ASSISTANCE.—Not later than 5 days after the date on which an award of a public assistance grant is made under section 406 that is in excess of $1,000,000, the Administrator of the Federal Emergency Management Agency (referred to in this section as the 'Administrator') shall publish on the website of the Federal Emergency Management Agency (referred to in this section as the 'Agency') the specifics of each such grant award, including identifying—

''(1) the Federal Emergency Management Agency Region;

''(2) the major disaster or emergency declaration number;

''(3) the State, county, and applicant name;

''(4) if the applicant is a private nonprofit organization;

''(5) the damage category code;

''(6) the amount of the Federal share obligated; and

''(7) the date of the award.

''(b) MISSION ASSIGNMENTS.—

''(1) IN GENERAL.—Not later than 5 days after the date on which a mission assignment or mission assignment task order is issued under section 402(1) or section 502(a)(1), the Administrator shall publish on the website of the Agency any mission assignment or mission assignment task order to another Federal department or agency regarding a major disaster in excess of $1,000,000, including—

''(A) the name of the impacted State or Indian tribe;

''(B) the major disaster declaration for such State or Indian tribe;

''(C) the assigned agency;

''(D) the assistance requested;

''(E) a description of the major disaster;

''(F) the total cost estimate;

''(G) the amount obligated;

''(H) the State or tribal cost share, if applicable;

''(I) the authority under which the mission assignment or mission assignment task order was directed; and

''(J) if applicable, the date on which a State or Indian tribe requested the mission assignment.

''(2) RECORDING CHANGES.—Not later than 10 days after the last day of each month until a mission assignment or mission assignment task order described in paragraph (1) is completed and closed out, the Administrator shall update any changes to the total cost estimate and the amount obligated.

''(c) DISASTER RELIEF MONTHLY REPORT.—Not later than 10 days after the first day of each month, the Administrator shall publish reports on the website of the Agency, including a specific description of the methodology and the source data used in developing such reports, including—

''(1) an estimate of the amounts for the fiscal year covered by the President's most recent budget pursuant to section 1105(a) of title 31, United States Code, including—

''(A) the unobligated balance of funds to be carried over from the prior fiscal year to the budget year;

''(B) the unobligated balance of funds to be carried over from the budget year to the year after the budget year;

''(C) the amount of obligations for noncatastrophic events for the budget year;

''(D) the amount of obligations for the budget year for catastrophic events, as defined under the National Response Framework, delineated by event and by State;

''(E) the total amount that has been previously obligated or will be required for catastrophic events delineated by event and by State for all prior years, the current fiscal year, the budget year, and each fiscal year thereafter;

''(F) the amount of previously obligated funds that will be recovered for the budget year;

''(G) the amount that will be required for obligations for emergencies, major disasters, fire management assistance grants, as described in section 420, surge activities, and disaster readiness and support activities; and

''(H) the amount required for activities not covered under section 251(b)(2)(D)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));

''(2) a summary of the amount for disaster relief of—

''(A) appropriations made available by source;

''(B) the transfers executed;

''(C) the previously allocated funds recovered; and

''(D) the commitments, allocations, and obligations made;

''(3) a table of disaster relief activity delineated by month, including—

''(A) the beginning and ending balances;

''(B) the total obligations to include amounts obligated for fire assistance, emergencies, surge, and disaster support activities;

''(C) the obligations for catastrophic events delineated by event and by State; and

''(D) the amount of previously obligated funds that are recovered;

''(4) a summary of allocations, obligations, and expenditures for catastrophic events delineated by event;

''(5) the cost with respect to—

''(A) public assistance;

''(B) individual assistance;

''(C) mitigation;

''(D) administrative activities;

''(E) operations; and

''(F) any other relevant category (including emergency measures and disaster resources) delineated by major disaster; and

''(6) the date on which funds appropriated will be exhausted.

''(d) CONTRACTS.—

''(1) INFORMATION.—

''(A) IN GENERAL.—Not later than 10 days after the first day of each month, the Administrator shall publish on the website of the Agency the specifics of each contract in excess of $1,000,000 that the Agency enters into during the previous month, including—

''(i) the name of the party;

''(ii) the date the contract was awarded;

''(iii) the amount and scope of the contract;

''(iv) if the contract was awarded through competitive bidding process;

''(v) if no competitive bidding process was used, the reason why competitive bidding was not used; and

''(vi) the authority used to bypass the competitive bidding process.

''(B) REQUIREMENT.—The information required to be published under subparagraph (A) shall be delineated by major disaster, if applicable, and specify the damage category code, if applicable.

''(2) REPORT.—Not later than 10 days after the last day of the fiscal year, the Administrator shall provide a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives summarizing the following information for the preceding fiscal year:

''(A) The number of contracts awarded without competitive bidding.

''(B) The reasons why a competitive bidding process was not used.

''(C) The total amount of contracts awarded with no competitive bidding.

''(D) The damage category codes, if applicable, for contracts awarded without competitive bidding.''.

SEC. 1519. NATIONAL PUBLIC INFRASTRUCTURE PREDISASTER HAZARD MITIGATION.

(a) PREDISASTER HAZARD MITIGATION.—Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended—

(1) in subsection (c) by inserting ''Public Infrastructure'' after ''the National'';

(2) in subsection (e)(1)(B)—

(A) in clause (ii), by striking ''or'' at the end;

(B) in clause (iii), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(iv) to establish and carry out enforcement activities to implement the latest published editions of relevant consensus-based

codes, specifications, and standards that incorporate the latest hazard-resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of residential structures and facilities that may be eligible for assistance under this Act for the purpose of protecting the health, safety, and general welfare of the buildings' users against disasters.'';

(3) in subsection (f)—

(A) in paragraph (1) by inserting ''for mitigation activities that are cost effective'' after ''competitive basis''; and

(B) by adding at the end the following:

''(3) REDISTRIBUTION OF UNOBLIGATED AMOUNTS.—The President may—

''(A) withdraw amounts of financial assistance made available to a State (including amounts made available to local governments of a State) under this subsection that remain unobligated by the end of the third fiscal year after the fiscal year for which the amounts were allocated; and

''(B) in the fiscal year following a fiscal year in which amounts were withdrawn under subparagraph (A), add the amounts to any other amounts available to be awarded on a competitive basis pursuant to paragraph (1).'';

(4) in subsection (g), in the matter preceding paragraph (1), by inserting ''provide financial assistance only in States that have received a major disaster declaration during the previous 7-year period and'' after ''President shall'';

(5) by striking subsection (i) and inserting the following:

''(i) NATIONAL PUBLIC INFRASTRUCTURE PREDISASTER MITIGATION ASSISTANCE.—

''(1) IN GENERAL.—The President may set aside from the Disaster Relief Fund, with respect to each major disaster, an amount equal to 6 percent of the estimated aggregate amount of the grants to be made pursuant to sections 403, 406, 407, 408, 410, and 416 for the major disaster in order to provide technical and financial assistance under this section.

''(2) ESTIMATED AGGREGATE AMOUNT.—Not later than 180 days after each major disaster declaration pursuant to this Act, the estimated aggregate amount of grants for purposes of paragraph (1) shall be determined by the President and such estimated amount need not be reduced, increased, or changed due to variations in estimates.

''(3) NO REDUCTION IN AMOUNTS.—The amount set aside pursuant to paragraph (1) shall not reduce the amounts otherwise made available for sections 403, 404, 406, 407, 408, 410, and 416 under this Act.'';

(6) by striking subsections (j) and (m); and

(7) by redesignating subsections (k), (l), and (n) as subsections (j), (k), and (l), respectively.

(b) APPLICABILITY.—The amendments made to section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) by paragraphs (3) and (5) of subsection (a) of this Act shall apply to funds appropriated after the date of enactment of this Act.

(c) REPORT.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(B) the term ''appropriate committees of Congress'' means—

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

(ii) the Committee on Appropriations of the Senate;

(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

(iv) the Committee on Appropriations of the House of Representatives; and

(C) the term ''public assistance grant program'' means the public assistance grant program authorized under sections 403, 406, 407, 418, 419, 428, and 502(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, 5185, 5186, 5189f, and 5192(a)).

(2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report detailing the implications of the amendments made by subsection (a) on the fiscal health of the Disaster Relief Fund, including—

(A) a justification, cost-benefit analysis, and impact statement of the percentage utilized to fund the amendments;

(B) an assessment of the extent to which the extra spending could place stress on the Disaster Relief Fund, as calculated under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 2985 (2 U.S.C. 901(b)(2)(D)), increase the pace of spending, and impact whether supplemental funding would be required more frequently to deal with future major disasters declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(C) an expenditure plan detailing—

(i) anticipated application guidelines for grantees;

(ii) a period of performance schedule;

(iii) anticipated project life cycle costs and expected expenditure rates;

(iv) planning requirements for grantees;

(v) a program schedule to ensure that the annual fund carryover does not exceed $100,000,000; and

(vi) a program review and investigation schedule to prevent waste, fraud, and abuse;

(D) an assessment of how the amendments could be implemented to encourage mitigation that addresses risks to the most costly disaster impacts in order to reduce—

(i) impacts on the Disaster Relief Fund and the public assistance grant program, in particular grants to mitigate damage to infrastructure and buildings; and

(ii) Federal expenditures for future major disasters declared under section 401 the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(E) an assessment of the appropriate balance of expenditures under section 203(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(i)), as amended by subsection (a), for planning and for projects; and

(F) the strategy by which project will be weighted and applications assessed to include repetitive loss, location, elevation, overall risk, and the ability for a grantee to make complementary investments in other mitigation efforts.

SEC. 1520. TECHNICAL AMENDMENTS TO NATIONAL EMERGENCY MANAGEMENT.

(a) HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 501(8) (6 U.S.C. 311(8))—

(A) by striking ''National Response Plan'' each place the term appears and inserting ''National Response Framework''; and

(B) by striking ''502(a)(6)'' and inserting ''504(a)(6)'';

(2) in section 503(b)(2)(A) (6 U.S.C. 313(b)(2)(A)) by inserting ''and incidents impacting critical infrastructure'' before the semicolon;

(3) in section 504(a) (6 U.S.C. 314(a))—

(A) in paragraph (3) by striking '', including—'' and inserting ''(which shall include incidents impacting critical infrastructure), including—'';

(B) in paragraph (4) by inserting '', including incidents impacting critical infrastructure'' before the semicolon;

(C) in paragraph (5) by striking ''and local'' and inserting ''local, and tribal'';

(D) in paragraph (6) by striking ''national response plan'' and inserting ''national response framework, which shall be reviewed and updated as required but not less than every 5 years'';

(E) by redesignating paragraphs (7) through (21) as paragraphs (8) through (22), respectively;

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

''(7) developing integrated frameworks, to include consolidating existing Government plans addressing prevention, protection, mitigation, and recovery with such frameworks reviewed and updated as required, but not less than every 5 years;''; and

(G) in paragraph (14), as redesignated, by striking ''National Response Plan'' each place the term appears and inserting ''National Response Framework'';

(4) in section 507 (6 U.S.C. 317)—

(A) in subsection (c)—

(i) in paragraph (2)(E), by striking ''National Response Plan'' and inserting ''National Response Framework''; and

(ii) in paragraph (3)(A), by striking ''National Response Plan'' and inserting ''National Response Framework''; and

(B) in subsection (f)(1)(G), by striking ''National Response Plan'' and inserting ''National Response Framework'';

(5) in section 508 (6 U.S.C. 318)—

(A) in subsection (b)(1), by striking ''National Response Plan'' and inserting ''National Response Framework''; and

(B) in subsection (d)(2)(A), by striking ''The Deputy Administrator, Protection and National Preparedness'' and inserting ''A Deputy Administrator'';

(6) in section 509 (6 U.S.C. 319)—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) by striking ''National Response Plan'' and inserting ''National Response Framework, National Protection Framework, National Prevention Framework, National Mitigation Framework, National Recovery Framework'';

(II) by striking ''successor'' and inserting ''successors''; and

(III) by striking ''plan'' at the end of that paragraph and inserting ''framework''; and

(ii) in paragraph (2), by striking ''National Response Plan'' each place the term appears and inserting ''National Response Framework''; and

(B) in subsection (c)(1)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''NATIONAL RESPONSE PLAN'' and inserting ''NATIONAL RESPONSE FRAMEWORK''; and

(II) by striking ''National Response Plan'' and inserting ''National Response Framework''; and

(ii) in subparagraph (B), by striking ''National Response Plan'' and inserting ''National Response Framework'';

(7) in section 510 (6 U.S.C. 320)—

(A) in subsection (a), by striking ''enter into a memorandum of understanding'' and inserting ''partner'';

(B) in subsection (b)(1)(A), by striking ''National Response Plan'' and inserting ''National Response Framework''; and

(C) in subsection (c), by striking ''National Response Plan'' and inserting ''National Response Framework'';

(8) in section 515(c)(1) (6 U.S.C. 321d(c)(1)), by striking ''and local'' each place the term appears and inserting '', local, and tribal'';

(9) by striking section 524 (6 U.S.C. 321m);

(10) in section 525 (6 U.S.C. 321n), by striking ''Secretary'' each place it appears and inserting ''Administrator''; and

(11) in section 706(b)(1), as redesignated by section 1142 of this Act, by striking ''National Response Plan'' and inserting ''National Response Framework''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by striking the item relating to section 524.

(c) POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.—

(1) CITATION CORRECTION.—Section 602(13) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701(13)) is amended—

(A) by striking ''National Response Plan'' each place the term appears and inserting ''National Response Framework''; and

(B) by striking ''502(a)(6)'' and inserting ''504(a)(6)''.

(2) CHANGE OF REFERENCE.—Chapter 1 of subtitle C of title VI of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295) is amended by striking ''National Response Plan'' each place the term appears and inserting ''National Response Framework''.

(d) PUBLIC HEALTH SERVICE ACT.—Section 2801(a) of the Public Health Service Act (42 U.S.C. 300hh(a)) is amended by striking ''the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002'' and inserting ''the National Response Framework developed pursuant to section 504(a)(6) of the Homeland Security Act of 2002 (2 U.S.C. 314(a)(6))''.

(e) DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION ACT OF 1996.—Section 1414(b) of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2314(b)) is amended, in the first sentence, by striking ''National Response Plan prepared pursuant to section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6))'' and inserting ''National Response Framework prepared pursuant to section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C. 314(a)(6))''

(f) SAVINGS CLAUSE.—The amendments made by subsection (a) to section 503(b)(2)(A) and paragraphs (3) and (4) of section 504(a) of the Homeland Security Act of 2002 shall not be construed as affecting the authority, existing on the day before the date of enactment of this Act, of any other component of the Department of Homeland Security or any other Federal department or agency.

SEC. 1521. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM SUBCOMMITTEE.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Agency;

(2) the term ''Agency'' means the Federal Emergency Management Agency;

(3) the term ''public alert and warning system'' means the integrated public alert and warning system of the United States described in section 526 of the Homeland Security Act of 2002 (6 U.S.C. 321o); and

(4) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM SUBCOMMITTEE.—Section 2 of the Integrated Public Alert and Warning System Modernization Act of 2015 (Public Law 114–143; 130 Stat. 327) is amended—

(1) in subsection (b)—

(A) in paragraph (6)(B)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii)(VII), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) recommendations for best practices of State, tribal, and local governments to follow to maintain the integrity of the public alert and warning system, including—

''(I) the procedures for State, tribal, and local government officials to authenticate civil emergencies and initiate, modify, and cancel alerts transmitted through the public alert and warning system, including protocols and technology capabilities for—

''(aa) the initiation, or prohibition on the initiation, of alerts by a single authorized or unauthorized individual; and

''(bb) testing a State, tribal, or local government incident management and warning tool without accidentally initiating an alert through the public alert and warning system;

''(II) the standardization, functionality, and interoperability of incident management and warning tools used by State, tribal, and local governments to notify the public of an emergency through the public alert and warning system;

''(III) the training and recertification of emergency management personnel on best practices for originating and transmitting an alert through the public alert and warning system; and

''(IV) the procedures, protocols, and guidance concerning the protective action plans that State, tribal, and local governments should issue to the public following an alert issued under the public alert and warning system.'';

(B) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking ''Not later than'' and inserting the following:

''(i) INITIAL REPORT.—Not later than'';

(II) in clause (i), as so designated, by striking ''paragraph (6)'' and inserting ''clauses (i) and (ii) of paragraph (6)(B)''; and

(III) by adding at the end the following:

''(ii) SECOND REPORT.—Not later than 18 months after the date of enactment of the Department of Homeland Security Authorization Act, the Subcommittee shall submit to the National Advisory Council a report containing any recommendations required to be developed under paragraph (6)(B)(iii) for approval by the National Advisory Council.''; and

(ii) in subparagraph (B), by striking ''report'' each place that term appears and inserting ''reports''; and

(C) in paragraph (8), by striking ''3'' and inserting ''5''; and

(2) in subsection (c), by striking ''and 2018'' and inserting ''2018, 2019, 2020, and 2021''.

(c) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM PARTICIPATORY REQUIREMENTS.—The Administrator shall—

(1) consider the recommendations submitted by the Integrated Public Alert and Warning System Subcommittee to the National Advisory Council under section 2(b)(7) of the Integrated Public Alert and Warning System Modernization Act of 2015 (Public Law 114–143; 130 Stat. 331), as amended by subsection (b) of this Act; and

(2) not later than 120 days after the date on which the recommendations described in paragraph (1) are submitted, establish minimum requirements for State, tribal, and local governments to participate in the public alert and warning system consistent with all public notice rules and regulations.

(d) INCIDENT MANAGEMENT AND WARNING TOOL VALIDATION.—

(1) IN GENERAL.—The Administrator shall establish a process to ensure that an incident management and warning tool used by a State, tribal, or local government to originate and transmit an alert through the public alert and warning system meets the minimum requirements established by the Administrator under subsection (c)(2).

(2) REQUIREMENTS.—The process required to be established under paragraph (1) shall include—

(A) the ability to test an incident management and warning tool in the public alert and warning system lab;

(B) the ability to certify that an incident management and warning tool complies with the applicable cyber frameworks of the Department of Homeland Security and the National Institute of Standards and Technology;

(C) a process to certify developers of emergency management software; and

(D) requiring developers to provide the Administrator with a copy of and rights of use for ongoing testing of each version of incident management and warning tool software before the software is first used by a State, tribal, or local government.

(e) REVIEW AND UPDATE OF MEMORANDA OF UNDERSTANDING.—

(1) IN GENERAL.—The Administrator shall review the memoranda of understanding between the Agency and State, tribal, and local governments with respect to the public alert and warning system to ensure that all agreements ensure compliance with any minimum requirements established by the Administrator under subsection (c)(2).

(2) FUTURE MEMORANDA.—The Administrator shall ensure that any new memorandum of understanding entered into between the Agency and a State, tribal, or local government on or after the date of enactment of this Act with respect to the public alert and warning system ensures that the agreement requires compliance with any minimum requirements established by the Administrator under subsection (c)(2).

(f) MISSILE ALERT AND WARNING AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITY.—Beginning on the date that is 120 days after the date of enactment of this Act, the authority to originate an alert warning the public of a missile launch directed against a State using the public alert and warning system shall reside primarily with the Federal Government.

(B) DELEGATION OF AUTHORITY.—The Secretary of Homeland Security may delegate to a State, tribal, or local entity the authority described in subparagraph (A), if, not later than 60 days after the end of the 120-day period described in subparagraph (A), the Secretary of Homeland Security reports to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

(i) it is not feasible for the Federal government to alert the public of a missile threat against a State; or

(ii) it is not in the national security interest of the United States for the Federal government to alert the public of a missile threat against a State.

(C) ACTIVATION OF SYSTEM.—Upon verification of a missile threat, the President, utilizing established authorities, protocols, and procedures, may activate the public alert and warning system.

(2) REQUIRED PROCESSES.—The Secretary of Homeland Security, acting through the Administrator, shall establish a process to promptly notify a State warning point, and any State entities that the Administrator determines appropriate, of follow-up actions to a missile launch alert so the State may take appropriate action to protect the health, safety, and welfare of the residents of the State following the issuance of an alert described in paragraph (1)(A) for that State.

(3) GUIDANCE.—The Secretary of Homeland Security, acting through the Administrator, shall work with the Governor of a State

warning point to develop and implement appropriate protective action plans to respond to an alert described in paragraph (1)(A) for that State.

(4) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall—

(A) examine the feasibility of establishing an alert designation under the public alert and warning system that would be used to alert and warn the public of a missile threat while concurrently alerting a State warning point so that a State may activate related protective action plans; and

(B) submit a report of the findings under subparagraph (A), including of the costs and timeline for taking action to implement an alert designation described in paragraph (1), to—

(i) the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate;

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

(iii) the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives; and

(iv) the Committee on Homeland Security of the House of Representatives.

(g) AWARENESS OF ALERTS AND WARNINGS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) conduct a review of—

(A) the Emergency Operations Center of the Agency; and

(B) the National Watch Center and each Regional Watch Center of the Agency; and

(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the review conducted under paragraph (1), which shall include—

(A) an assessment of the technical capability of the Emergency Operations Center and the National and Regional Watch Centers described in paragraph (1) to be notified of alerts and warnings issued by a State through the public alert and warning system;

(B) a determination of which State alerts and warnings the Emergency Operations Center and the National and Regional Watch Centers described in paragraph (1) should be aware of; and

(C) recommendations for improving the ability of the National and Regional Watch Centers described in paragraph (1) to receive any State alerts and warnings that the Administrator determines are appropriate.

(h) TIMELINE FOR COMPLIANCE.—Each State shall be given a reasonable amount of time to comply with any new rules, regulations, or requirements imposed under this section or the amendments made by this section.

TITLE VI—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

SEC. 1601. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

"Subtitle A—Cybersecurity and Infrastructure Security

"SEC. 2201. DEFINITIONS.

"In this subtitle:

"(1) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' has the meaning given the term in section 2222.

"(2) CYBERSECURITY RISK.—The term 'cybersecurity risk' has the meaning given the term in section 2209.

"(3) CYBERSECURITY THREAT.—The term 'cybersecurity threat' has the meaning given the term in section 102(5) of the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501)).

"(4) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

"(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

"(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

"(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

"(D) facilitating information sharing and operational coordination with threat response; and

"(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

"(5) SECTOR-SPECIFIC AGENCY.—The term 'Sector-Specific Agency' means a Federal department or agency, designated by law or presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

"(6) SHARING.—The term 'sharing' has the meaning given the term in section 2209.

"SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

"(a) REDESIGNATION.—

"(1) IN GENERAL.—The National Protection and Programs Directorate of the Department shall, on and after the date of the enactment of this subtitle, be known as the 'Cybersecurity and Infrastructure Security Agency' (in this subtitle referred to as the 'Agency').

"(2) REFERENCES.—Any reference to the National Protection and Programs Directorate of the Department in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Cybersecurity and Infrastructure Security Agency of the Department.

"(b) DIRECTOR.—

"(1) IN GENERAL.—The Agency shall be headed by a Director of Cybersecurity and Infrastructure Security (in this subtitle referred to as the 'Director'), who shall report to the Secretary.

"(2) REFERENCE.—Any reference to an Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and any other related program of the Department as described in section 103(a)(1)(H) as in effect on the day before the date of enactment of this subtitle in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Director of Cybersecurity and Infrastructure Security of the Department.

"(c) RESPONSIBILITIES.—The Director shall—

"(1) lead cybersecurity and critical infrastructure security programs, operations, and associated policy for the Agency, including national cybersecurity asset response activities;

"(2) coordinate with Federal entities, including Sector-Specific Agencies, and non-Federal entities, including international entities, to carry out the cybersecurity and critical infrastructure activities of the Agency, as appropriate;

"(3) carry out the responsibilities of the Secretary to secure Federal information and information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113));

"(4) coordinate a national effort to secure and protect against critical infrastructure risks, consistent with subsection (e)(1)(E);

"(5) oversee the EMP and GMD planning and protection and preparedness activities of the Agency;

"(6) upon request, provide analyses, expertise, and other technical assistance to critical infrastructure owners and operators and, where appropriate, provide those analyses, expertise, and other technical assistance in coordination with Sector-Specific Agencies and other Federal departments and agencies;

"(7) develop and utilize mechanisms for active and frequent collaboration between the Agency and Sector-Specific Agencies to ensure appropriate coordination, situational awareness, and communications with Sector-Specific Agencies;

"(8) maintain and utilize mechanisms for the regular and ongoing consultation and collaboration among the Divisions of the Agency to further operational coordination, integrated situational awareness, and improved integration across the Agency in accordance with this Act;

"(9) develop, coordinate, and implement—

"(A) comprehensive strategic plans for the activities of the Agency; and

"(B) risk assessments by and for the Agency;

"(10) carry out emergency communications responsibilities, in accordance with title XVIII;

"(11) carry out cybersecurity, infrastructure security, and emergency communications stakeholder outreach and engagement and coordinate that outreach and engagement with critical infrastructure Sector-Specific Agencies, as appropriate;

"(12) oversee an integrated analytical approach to physical and cyber infrastructure analysis; and

"(13) carry out such other duties and powers prescribed by law or delegated by the Secretary.

"(d) DEPUTY DIRECTOR.—There shall be in the Agency a Deputy Director of Cybersecurity and Infrastructure Security who shall—

"(1) assist the Director in the management of the Agency; and

"(2) report to the Director.

"(e) CYBERSECURITY AND INFRASTRUCTURE SECURITY AUTHORITIES OF THE SECRETARY.—

"(1) IN GENERAL.—The responsibilities of the Secretary relating to cybersecurity and infrastructure security shall include the following:

"(A) To access, receive, and analyze law enforcement information, intelligence information, and other information from Federal Government agencies, State, local, tribal, and territorial government agencies, including law enforcement agencies, and private sector entities, and to integrate that information, in support of the mission responsibilities of the Department, in order to—

"(i) identify and assess the nature and scope of terrorist threats to the homeland;

"(ii) detect and identify threats of terrorism against the United States; and

"(iii) understand those threats in light of actual and potential vulnerabilities of the homeland.

"(B) To carry out comprehensive assessments of the vulnerabilities of the key resources and critical infrastructure of the United States, including the performance of risk assessments to determine the risks posed by particular types of terrorist attacks

within the United States, including an assessment of the probability of success of those attacks and the feasibility and potential efficacy of various countermeasures to those attacks. At the discretion of the Secretary, such assessments may be carried out in coordination with Sector-Specific Agencies.

''(C) To integrate relevant information, analysis, and vulnerability assessments, regardless of whether the information, analysis, or assessments are provided or produced by the Department, in order to make recommendations, including prioritization, for protective and support measures by the Department, other Federal Government agencies, State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities regarding terrorist and other threats to homeland security.

''(D) To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge the responsibilities under this title, including obtaining that information from other Federal Government agencies.

''(E) To develop, in coordination with the Sector-Specific Agencies with available expertise, a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency communications systems, and the physical and technological assets that support those systems.

''(F) To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other Federal Government agencies, including Sector-Specific Agencies, and in cooperation with State, local, tribal, and territorial government agencies and authorities, the private sector, and other entities.

''(G) To review, analyze, and make recommendations for improvements to the policies and procedures governing the sharing of information relating to homeland security within the Federal Government and between Federal Government agencies and State, local, tribal, and territorial government agencies and authorities.

''(H) To disseminate, as appropriate, information analyzed by the Department within the Department to other Federal Government agencies with responsibilities relating to homeland security and to State, local, tribal, and territorial government agencies and private sector entities with those responsibilities in order to assist in the deterrence, prevention, or preemption of, or response to, terrorist attacks against the United States.

''(I) To consult with State, local, tribal, and territorial government agencies and private sector entities to ensure appropriate exchanges of information, including law enforcement-related information, relating to threats of terrorism against the United States.

''(J) To ensure that any material received pursuant to this Act is protected from unauthorized disclosure and handled and used only for the performance of official duties.

''(K) To request additional information from other Federal Government agencies, State, local, tribal, and territorial government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including the entry into cooperative agreements through the Secretary to obtain that information.

''(L) To establish and utilize, in conjunction with the Chief Information Officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

''(M) To coordinate training and other support to the elements and personnel of the Department, other Federal Government agencies, and State, local, tribal, and territorial government agencies that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

''(N) To coordinate with Federal, State, local, tribal, and territorial law enforcement agencies, and the private sector, as appropriate.

''(O) To exercise the authorities and oversight of the functions, personnel, assets, and liabilities of those components transferred to the Department pursuant to section 201(g).

''(P) To carry out the functions of the national cybersecurity and communications integration center under section 2209.

''(Q) To carry out the requirements of the Chemical Facility Anti-Terrorism Standards Program established under title XXI and the secure handling of ammonium nitrate program established under subtitle J of title VIII, or any successor programs.

''(2) REALLOCATION.—The Secretary may reallocate within the Agency the functions specified in sections 2203(b) and 2204(b), consistent with the responsibilities provided in paragraph (1), upon certifying to and briefing the appropriate congressional committees, and making available to the public, not less than 60 days before the reallocation that the reallocation is necessary for carrying out the activities of the Agency.

''(3) STAFF.—

''(A) IN GENERAL.—The Secretary shall provide the Agency with a staff of analysts having appropriate expertise and experience to assist the Agency in discharging the responsibilities of the Agency under this section.

''(B) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

''(C) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

''(4) DETAIL OF PERSONNEL.—

''(A) IN GENERAL.—In order to assist the Agency in discharging the responsibilities of the Agency under this section, personnel of the Federal agencies described in subparagraph (B) may be detailed to the Agency for the performance of analytic functions and related duties.

''(B) AGENCIES.—The Federal agencies described in this subparagraph are—

''(i) the Department of State;

''(ii) the Central Intelligence Agency;

''(iii) the Federal Bureau of Investigation;

''(iv) the National Security Agency;

''(v) the National Geospatial-Intelligence Agency;

''(vi) the Defense Intelligence Agency;

''(vii) Sector-Specific Agencies; and

''(viii) any other agency of the Federal Government that the President considers appropriate.

''(C) INTERAGENCY AGREEMENTS.—The Secretary and the head of a Federal agency described in subparagraph (B) may enter into agreements for the purpose of detailing personnel under this paragraph.

''(D) BASIS.—The detail of personnel under this paragraph may be on a reimbursable or non-reimbursable basis.

''(f) COMPOSITION.—The Agency shall be composed of the following divisions:

''(1) The Cybersecurity Division, headed by an Assistant Director.

''(2) The Infrastructure Security Division, headed by an Assistant Director.

''(3) The Emergency Communications Division under title XVIII, headed by an Assistant Director.

''(g) CO-LOCATION.—

''(1) IN GENERAL.—To the maximum extent practicable, the Director shall examine the establishment of central locations in geographical regions with a significant Agency presence.

''(2) COORDINATION.—When establishing the central locations described in paragraph (1), the Director shall coordinate with component heads and the Under Secretary for Management to co-locate or partner on any new real property leases, renewing any occupancy agreements for existing leases, or agreeing to extend or newly occupy any Federal space or new construction.

''(h) PRIVACY.—

''(1) IN GENERAL.—There shall be a Privacy Officer of the Agency with primary responsibility for privacy policy and compliance for the Agency.

''(2) RESPONSIBILITIES.—The responsibilities of the Privacy Officer of the Agency shall include—

''(A) ensuring that the use of technologies by the Agency sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

''(B) ensuring that personal information contained in systems of records of the Agency is handled in full compliance as specified in section 552a of title 5, United States Code (commonly known as the 'Privacy Act of 1974');

''(C) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Agency; and

''(D) conducting a privacy impact assessment of proposed rules of the Agency on the privacy of personal information, including the type of personal information collected and the number of people affected.

''(i) SAVINGS.—Nothing in this title may be construed as affecting in any manner the authority, existing on the day before the date of enactment of this title, of any other component of the Department or any other Federal department or agency.

''SEC. 2203. CYBERSECURITY DIVISION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established in the Agency a Cybersecurity Division.

''(2) ASSISTANT DIRECTOR.—The Cybersecurity Division shall be headed by an Assistant Director for Cybersecurity (in this section referred to as the 'Assistant Director'), who shall—

''(A) be at the level of Assistant Secretary within the Department;

''(B) be appointed by the President without the advice and consent of the Senate; and

''(C) report to the Director.

''(3) REFERENCE.—Any reference to the Assistant Secretary for Cybersecurity and Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Cybersecurity.

''(b) FUNCTIONS.—The Assistant Director shall—

''(1) direct the cybersecurity efforts of the Agency;

''(2) carry out activities, at the direction of the Director, related to the security of Federal information and Federal information systems consistent with law, including subchapter II of chapter 35 of title 44, United States Code, and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113));

''(3) fully participate in the mechanisms required under section 2202(c)(7); and

''(4) carry out such other duties and powers as prescribed by the Director.

''SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established in the Agency an Infrastructure Security Division.

''(2) ASSISTANT DIRECTOR.—The Infrastructure Security Division shall be headed by an Assistant Director for Infrastructure Security (in this section referred to as the 'Assistant Director'), who shall—

''(A) be at the level of Assistant Secretary within the Department;

''(B) be appointed by the President without the advice and consent of the Senate; and

''(C) report to the Director.

''(3) REFERENCE.—Any reference to the Assistant Secretary for Infrastructure Protection in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Infrastructure Security.

''(b) FUNCTIONS.—The Assistant Director shall—

''(1) direct the critical infrastructure security efforts of the Agency;

''(2) carry out, at the direction of the Director, the Chemical Facilities Anti-Terrorism Standards Program established under title XXI and the secure handling of ammonium nitrate program established under subtitle J of title VIII, or any successor programs;

''(3) fully participate in the mechanisms required under section 2202(c)(7); and

''(4) carry out such other duties and powers as prescribed by the Director.''.

(b) TREATMENT OF CERTAIN POSITIONS.—

(1) UNDER SECRETARY.—The individual serving as the Under Secretary appointed pursuant to section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H)) of the Department of Homeland Security on the day before the date of enactment of this Act may continue to serve as the Director of Cybersecurity and Infrastructure Security of the Department on and after such date.

(2) DIRECTOR FOR EMERGENCY COMMUNICATIONS.—The individual serving as the Director for Emergency Communications of the Department of Homeland Security on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Emergency Communications of the Department on and after such date.

(3) ASSISTANT SECRETARY FOR CYBERSECURITY AND COMMUNICATIONS.—The individual serving as the Assistant Secretary for Cybersecurity and Communications on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Cybersecurity on and after such date.

(4) ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—The individual serving as the Assistant Secretary for Infrastructure Protection on the day before the date of enactment of this Act may continue to serve as the Assistant Director for Infrastructure Security on and after such date.

(c) REFERENCE.—Any reference to—

(1) the Office of Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Emergency Communications Division; and

(2) the Director for Emergency Communications in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Director for Emergency Communications.

(d) OVERSIGHT.—The Director of Cybersecurity and Infrastructure Security of the Department of Homeland Security shall provide to Congress, in accordance with the deadlines specified in paragraphs (1) through (6), information on the following:

(1) Not later than 60 days after the date of enactment of this Act, a briefing on the activities of the Agency relating to the development and use of the mechanisms required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002 (as added by subsection (a)).

(2) Not later than 1 year after the date of the enactment of this Act, a briefing on the activities of the Agency relating to the use and improvement by the Agency of the mechanisms required pursuant to section 2202(c)(7) of the Homeland Security Act of 2002 and how such activities have impacted coordination, situational awareness, and communications with Sector-Specific Agencies.

(3) Not later than 90 days after the date of the enactment of this Act, information on the mechanisms of the Agency for regular and ongoing consultation and collaboration, as required pursuant to section 2202(c)(8) of the Homeland Security Act of 2002 (as added by subsection (a)).

(4) Not later than 1 year after the date of the enactment of this Act, information on the activities of the consultation and collaboration mechanisms of the Agency as required pursuant to section 2202(c)(8) of the Homeland Security Act of 2002, and how such mechanisms have impacted operational coordination, situational awareness, and integration across the Agency.

(5) Not later than 180 days after the date of enactment of this Act, information, which shall be made publicly available and updated as appropriate, on the mechanisms and structures of the Agency responsible for stakeholder outreach and engagement, as required under section 2202(c)(11) of the Homeland Security Act of 2002 (as added by subsection (a)).

(6) Not later than 1 year after the date of enactment of this Act, and annually thereafter, information on EMP and GMD (as defined in section 2 of the Homeland Security Act (6 U.S.C. 101)), which shall include—

(A) a summary of the threats and consequences, as of the date of the information, of electromagnetic events to the critical infrastructure of the United States;

(B) Department of Homeland Security efforts as of the date of the information, including with respect to—

(i) risk assessments;

(ii) mitigation actions;

(iii) coordinating with the Department of Energy to identify critical electric infrastructure assets subject to EMP or GMD risk; and

(iv) current and future plans for engagement with the Department of Energy, the Department of Defense, the National Oceanic and Atmospheric Administration, and other relevant Federal departments and agencies;

(C) as of the date of the information, current collaboration, and plans for future engagement, with critical infrastructure owners and operators;

(D) an identification of internal roles to address electromagnetic risks to critical infrastructure; and

(E) plans for implementation and protecting and preparing United States critical infrastructure against electromagnetic threats.

(e) CYBER WORKFORCE.—Not later than 90 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, in coordination with the Director of the Office of Personnel Management, shall submit to Congress a report detailing how the Agency is meeting legislative requirements under the Cybersecurity Workforce Assessment Act (Public Law 113–246; 128 Stat. 2880) and the Homeland Security Cybersecurity Workforce Assessment Act (6 U.S.C. 146 note; Public Law 113–277) to address cyber workforce needs.

(f) FACILITY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall report to Congress on the most efficient and effective methods of consolidating Agency facilities, personnel, and programs to most effectively carry out the mission of the Agency.

(g) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by amending section 103(a)(1)(H) (6 U.S.C. 113(a)(1)(H)) to read as follows:

''(H) A Director of the Cybersecurity and Infrastructure Security Agency.'';

(2) in title II (6 U.S.C. 121 et seq.)—

(A) in the title heading, by striking ''**AND INFRASTRUCTURE PROTECTION**'';

(B) in the subtitle A heading, by striking ''**and Infrastructure Protection**'';

(C) in section 201 (6 U.S.C. 121)—

(i) in the section heading, by striking ''**AND INFRASTRUCTURE PROTECTION**'';

(ii) in subsection (a)—

(I) in the subsection heading, by striking ''AND INFRASTRUCTURE PROTECTION''; and

(II) by striking ''and an Office of Infrastructure Protection'';

(iii) in subsection (b)—

(I) in the subsection heading, by striking ''AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION''; and

(II) by striking paragraph (3);

(iv) in subsection (c)—

(I) by striking ''and infrastructure protection''; and

(II) by striking ''or the Assistant Secretary for Infrastructure Protection, as appropriate'';

(v) in subsection (d)—

(I) in the subsection heading, by striking ''AND INFRASTRUCTURE PROTECTION'';

(II) in the matter preceding paragraph (1), by striking ''and infrastructure protection'';

(III) by striking paragraphs (5), (6), and (25);

(IV) by redesignating paragraphs (7) through (24) as paragraphs (5) through (22), respectively;

(V) by redesignating paragraph (26) as paragraph (23); and

(VI) in paragraph (23)(B)(i), as so redesignated, by striking ''section 319'' and inserting ''section 320'';

(vi) in subsection (e)(1), by striking ''and the Office of Infrastructure Protection'';

(vii) in subsection (f)(1), by striking ''and the Office of Infrastructure Protection''; and

(viii) in subsection (g), in the matter preceding paragraph (1), by striking ''and the Office of Infrastructure Protection'';

(D) in section 202 (6 U.S.C. 122)—

(i) in subsection (c), in the matter preceding paragraph (1), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(ii) in subsection (d)(2), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(E) in section 204 (6 U.S.C. 124a)—

(i) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Director of the Cybersecurity and Infrastructure Security Agency''; and

(ii) in subsection (d)(1), in the matter preceding subparagraph (A), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Director of the Cybersecurity and Infrastructure Security Agency'';

(F) by redesignating section 210E (6 U.S.C. 124l) as section 2214 and transferring such section to appear after section 2213 (as redesignated by subparagraph (I));

(G) in subtitle B, by redesignating sections 211 through 215 (6 U.S.C. 101 note, and 131 through 134) as sections 2221 through 2225, respectively, and transferring such subtitle, including the enumerator and heading of subtitle B and such sections, to appear after section 2214 (as redesignated by subparagraph (G));

(H) by redesignating sections 223 through 230 (6 U.S.C. 143 through 151) as sections 2205 through 2213, respectively, and transferring such sections to appear after section 2204, as added by this Act;

(I) by redesignating section 210F as section 210E; and

(J) by redesignating subtitles C and D as subtitles B and C, respectively;

(3) in title III (6 U.S.C. 181 et seq.)—

(A) in section 302 (6 U.S.C. 182)—

(i) by striking ''biological,,'' each place that term appears and inserting ''biological,''; and

(ii) in paragraph (3), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Director of the Cybersecurity and Infrastructure Security Agency'';

(B) by redesignating the second section 319 (6 U.S.C. 195f) (relating to EMP and GMD mitigation research and development) as section 320; and

(C) in section 320(c)(1), as so redesignated, by striking ''Section 214'' and inserting ''Section 2224'';

(4) in title V (6 U.S.C. 311 et seq.)—

(A) in section 508(d)(2)(D) (6 U.S.C. 318(d)(2)(D)), by striking ''The Director of the Office of Emergency Communications of the Department of Homeland Security'' and inserting ''The Assistant Director for Emergency Communications'';

(B) in section 514 (6 U.S.C. 321c)—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b); and

(C) in section 523 (6 U.S.C. 321l)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Director of Cybersecurity and Infrastructure Security''; and

(ii) in subsection (c), by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Director of Cybersecurity and Infrastructure Security'';

(5) in title VIII (6 U.S.C. 361 et seq.)—

(A) in section 884(d)(4)(A)(ii) (6 U.S.C. 464(d)(4)(A)(ii)), by striking ''Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department'' and inserting ''Director of Cybersecurity and Infrastructure Security''; and

(B) in section 899B(a) (6 U.S.C. 488a(a)), by adding at the end the following: ''Such regulations shall be carried out by the Cybersecurity and Infrastructure Security Agency.'';

(6) in title XVIII (6 U.S.C. 571 et seq.)—

(A) in section 1801 (6 U.S.C. 571)—

(i) in the section heading, by striking ''**OFFICE OF EMERGENCY COMMUNICATIONS**'' and inserting ''**EMERGENCY COMMUNICATIONS DIVISION**'';

(ii) in subsection (a)—

(I) by striking ''Office of Emergency Communications'' and inserting ''Emergency Communications Division''; and

(II) by adding at the end the following: ''The Division shall be located in the Cybersecurity and Infrastructure Security Agency.'';

(iii) by amending subsection (b) to read as follows:

''(b) ASSISTANT DIRECTOR.—The head of the Division shall be the Assistant Director for Emergency Communications. The Assistant Director shall report to the Director of Cybersecurity and Infrastructure Security. All decisions of the Assistant Director that entail the exercise of significant authority shall be subject to the approval of the Director of Cybersecurity and Infrastructure Security.'';

(iv) in subsection (c)—

(I) in the matter preceding paragraph (1), by inserting ''Assistant'' before ''Director'';

(II) in paragraph (15), as added by section 1431(a)(7), by striking ''and'' at the end;

(III) by redesignating paragraph (16), as so redesignated by section 1431(a)(3), as paragraph (17); and

(IV) by inserting after paragraph (15) the following:

''(16) fully participate in the mechanisms required under section 2202(c)(8); and'';

(v) in subsection (d), in the matter preceding paragraph (1), by inserting ''Assistant'' before ''Director''; and

(vi) in subsection (e), in the matter preceding paragraph (1), by inserting ''Assistant'' before ''Director'';

(B) in sections 1802 through 1805 (6 U.S.C. 572 through 575), by striking ''Director for Emergency Communications'' each place that term appears and inserting ''Assistant Director for Emergency Communications'';

(C) in section 1809 (6 U.S.C. 579)—

(i) by striking ''Director of Emergency Communications'' each place that term appears and inserting ''Assistant Director for Emergency Communications'';

(ii) in subsection (b)—

(I) by striking ''Director for Emergency Communications'' and inserting ''Assistant Director for Emergency Communications''; and

(II) by striking ''Office of Emergency Communications'' and inserting ''Emergency Communications Division'';

(iii) in subsection (e)(3), by striking ''the Director'' and inserting ''the Assistant Director''; and

(iv) in subsection (m)(1)—

(I) by striking ''The Director'' and inserting ''The Assistant Director'';

(II) by striking ''the Director determines'' and inserting ''the Assistant Director determines''; and

(III) by striking ''Office of Emergency Communications'' and inserting ''Cybersecurity and Infrastructure Security Agency'';

(D) in section 1810 (6 U.S.C. 580)—

(i) in subsection (a)(1), by striking ''Director of the Office of Emergency Communications (referred to in this section as the 'Director')'' and inserting ''Assistant Director for Emergency Communications (referred to in this section as the 'Assistant Director')'';

(ii) in subsection (c), by striking ''Office of Emergency Communications'' and inserting ''Emergency Communications Division''; and

(iii) by striking ''Director'' each place that term appears and inserting ''Assistant Director'';

(7) in title XX (6 U.S.C. 601 et seq.)—

(A) in paragraph (5)(A)(iii)(II) of section 2001 (6 U.S.C. 601), as so redesignated by section 1451(b), by striking ''section 210E(a)(2)'' and inserting ''section 2214(a)(2)'';

(B) in section 2008(a)(3) (6 U.S.C. 609(a)(3)), by striking ''section 210E(a)(2)'' and inserting ''section 2214(a)(2)''; and

(C) in section 2021 (6 U.S.C. 611)—

(i) by striking subsection (c); and

(ii) by redesignating subsection (d) as subsection (c);

(8) in title XXI (6 U.S.C. 621 et seq.)—

(A) in section 2102(a)(1) (6 U.S.C. 622(a)(1)), by inserting '', which shall be located in the Cybersecurity and Infrastructure Security Agency'' before the period at the end; and

(B) in section 2104(c)(2) (6 U.S.C. 624(c)(2)), by striking ''Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department appointed under section 103(a)(1)(H)'' and inserting ''Director of Cybersecurity and Infrastructure Security''; and

(9) in title XXII, as added by this Act—

(A) in subtitle A—

(i) in section 2205, as so redesignated—

(I) in the matter preceding paragraph (1)—

(aa) by striking ''section 201'' and inserting ''section 2202''; and

(bb) by striking ''Under Secretary appointed under section 103(a)(1)(H)'' and inserting ''Director of Cybersecurity and Infrastructure Security''; and

(II) in paragraph (1)(B), by striking ''and'' at the end;

(ii) in section 2206, as so redesignated, by striking ''Assistant Secretary for Infrastructure Protection'' and inserting ''Director of Cybersecurity and Infrastructure Security'';

(iii) in section 2209, as so redesignated—

(I) by striking ''Under Secretary appointed under section 103(a)(1)(H)'' each place that term appears and inserting ''Director'';

(II) in subsection (a)(4), by striking ''section 212(5)'' and inserting ''section 2222(5)'';

(III) in subsection (b), by adding at the end the following: ''The Center shall be located in the Cybersecurity and Infrastructure Security Agency. The head of the Center shall report to the Assistant Director for Cybersecurity.''; and

(IV) in subsection (c)(11), by striking ''Office of Emergency Communications'' and inserting ''Emergency Communications Division'';

(iv) in section 2210, as so redesignated—

(I) by striking ''section 227'' each place that term appears and inserting ''section 2209''; and

(II) in subsection (c)—

(aa) by striking ''Under Secretary appointed under section 103(a)(1)(H)'' and inserting ''Director of Cybersecurity and Infrastructure Security''; and

(bb) by striking ''section 212(5)'' and inserting ''section 2222(5)'';

(v) in section 2211, as so redesignated—

(I) in subsection (b)(2)(A), by striking ''the section 227'' and inserting ''section 2209''; and

(II) in subsection (c)(1)(C), by striking ''section 707'' and inserting ''section 706'';

(vi) in section 2212, as so redesignated, by striking ''section 212(5)'' and inserting ''section 2222(5)'';

(vii) in section 2213(a), as so redesignated—

(I) in paragraph (3), by striking ''section 228'' and inserting ''section 2210''; and

(II) in paragraph (4), by striking ''section 227'' and inserting ''section 2209''; and

(viii) in section 2214, as so redesignated—

(I) by striking subsection (e); and

(II) by redesignating subsection (f) as subsection (e); and

(B) in subtitle B—

(i) in section 2222(8), as so redesignated, by striking ''section 227'' and inserting ''section 2209''; and

(ii) in section 2224(h), as so redesignated, by striking ''section 213'' and inserting ''section 2223'';

(h) TECHNICAL AND CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) CYBERSECURITY ACT OF 2015.—The Cybersecurity Act of 2015 (6 U.S.C. 1501 et seq.) is amended—

(A) in section 202(2) (6 U.S.C. 131 note)—

(i) by striking ''section 227'' and inserting ''section 2209''; and

(ii) by striking '', as so redesignated by section 223(a)(3) of this division'';

(B) in section 207(2) (Public Law 114–113; 129 Stat. 2962)—

(i) by striking ''section 227'' and inserting ''section 2209''; and

(ii) by striking '', as redesignated by section 223(a) of this division,'';

(C) in section 208 (Public Law 114–113; 129 Stat. 2962), by striking ''Under Secretary appointed under section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))'' and inserting ''Director of Cybersecurity and Infrastructure Security of the Department'';

(D) in section 222 (6 U.S.C. 1521)—

(i) in paragraph (2)—

(I) by striking ''section 228'' and inserting ''section 2210''; and

(II) by striking '', as added by section 223(a)(4) of this division''; and

(ii) in paragraph (4)—

(I) by striking ''section 227'' and inserting ''section 2209''; and

(II) by striking '', as so redesignated by section 223(a)(3) of this division'';

(E) in section 223(b) (6 U.S.C. 151 note)—

(i) by striking ''section 230(b)(1) of the Homeland Security Act of 2002, as added by subsection (a)'' each place that term appears and inserting ''section 2213(b)(1) of the Homeland Security Act of 2002''; and

(ii) in paragraph (1)(B), by striking ''section 230(b)(2) of the Homeland Security Act of 2002, as added by subsection (a)'' and inserting ''section 2213(b)(2) of the Homeland Security Act of 2002'';

(F) in section 226 (6 U.S.C. 1524)—

(i) in subsection (a)—

(I) in paragraph (1)—

(aa) by striking ''section 230'' and inserting ''section 2213''; and

(bb) by striking '', as added by section 223(a)(6) of this division'';

(II) in paragraph (4)—

(aa) by striking ''section 228(b)(1)'' and inserting ''section 2210(b)(1)''; and

(bb) by striking '', as added by section 223(a)(4) of this division''; and

(III) in paragraph (5)—

(aa) by striking ''section 230(b)'' and inserting ''section 2213(b)''; and

(bb) by striking '', as added by section 223(a)(6) of this division''; and

(ii) in subsection (c)(1)(A)(vi)—

(I) by striking ''section 230(c)(5)'' and inserting ''section 2213(c)(5)''; and

(II) by striking '', as added by section 223(a)(6) of this division'';

(G) in section 227 (6 U.S.C. 1525)—

(i) in subsection (a)—

(I) by striking ''section 230'' and inserting ''section 2213''; and

(II) by striking '', as added by section 223(a)(6) of this division,''; and

(ii) in subsection (b)—

(I) by striking ''section 230(d)(2)'' and inserting ''section 2213(d)(2)''; and

(II) by striking '', as added by section 223(a)(6) of this division,''; and

(H) in section 404 (6 U.S.C. 1532)—

(i) by striking ''Director for Emergency Communications'' each place that term appears and inserting ''Assistant Director for Emergency Communications''; and

(ii) in subsection (a)—

(I) by striking ''section 227'' and inserting ''section 2209''; and

(II) by striking '', as redesignated by section 223(a)(3) of this division,''.

(2) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking ''section 227(a) of the Homeland Security Act of 2002 (6 U.S.C. 148(a))'' and inserting ''section 2209(a) of the Homeland Security Act of 2002''.

(3) TITLE 5.—Subchapter II of chapter 53 of title 5, United States Code, is amended—

(A) in section 5314, by inserting after ''Under Secretaries, Department of Homeland Security.'' the following:

''Director, Cybersecurity and Infrastructure Security Agency.''; and

(B) in section 5315, by inserting after ''Assistant Secretaries, Department of Homeland Security.'' the following:

''Assistant Director for Cybersecurity, Cybersecurity and Infrastructure Security Agency.

''Assistant Director for Infrastructure Security, Cybersecurity and Infrastructure Security Agency.''.

(i) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by striking the item relating to title II and inserting the following:

''TITLE II—INFORMATION ANALYSIS'';

(2) by striking the item relating to subtitle A of title II and inserting the following:

''Subtitle A—Information and Analysis; Access to Information'';

(3) by striking the item relating to section 201 and inserting the following:

''Sec. 201. Information and analysis.'';

(4) by striking the items relating to sections 210E and 210F and inserting the following:

''Sec. 210E. Classified Information Advisory Officer.'';

(5) by striking the items relating to subtitle B of title II and sections 211 through 215;

(6) by striking the items relating to section 223 through section 230;

(7) by striking the item relating to subtitle C and inserting the following:

''Subtitle B—Information Security'';

(8) by striking the item relating to subtitle D and inserting the following:

''Subtitle C—Office of Science and Technology'';

(9) by striking the items relating to sections 317, 319, 318, and 319 and inserting the following:

''Sec. 317. Promoting antiterrorism through international cooperation program.

''Sec. 318. Social media working group.

''Sec. 319. Transparency in research and development.

''Sec. 320. EMP and GMD mitigation research and development.'';

(10) by striking the item relating to section 1801 and inserting the following:

''Sec. 1801. Emergency Communications Division.''; and

(11) by adding at the end the following:

''TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

''Subtitle A—Cybersecurity and Infrastructure Security

''Sec. 2201. Definitions.

''Sec. 2202. Cybersecurity and Infrastructure Security Agency.

''Sec. 2203. Cybersecurity Division.

''Sec. 2204. Infrastructure Security Division.

''Sec. 2205. Enhancement of Federal and non-Federal cybersecurity.

''Sec. 2206. Net guard.

''Sec. 2207. Cyber Security Enhancement Act of 2002.

''Sec. 2208. Cybersecurity recruitment and retention.

''Sec. 2209. National cybersecurity and communications integration center.

''Sec. 2210. Cybersecurity plans.

''Sec. 2211. Cybersecurity strategy.

''Sec. 2212. Clearances.

''Sec. 2213. Federal intrusion detection and prevention system.

''Sec. 2214. National Asset Database.

''Subtitle B—Critical Infrastructure Information

''Sec. 2221. Short title.

''Sec. 2222. Definitions.

''Sec. 2223. Designation of critical infrastructure protection program.

''Sec. 2224. Protection of voluntarily shared critical infrastructure information.

''Sec. 2225. No private right of action.''.

SEC. 1602. TRANSFER OF OTHER ENTITIES.

(a) OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.—The Office of Biometric Identity Management of the Department of Homeland Security located in the National Protection and Programs Directorate of the Department of Homeland Security on the day before the date of enactment of this Act is hereby transferred to the Management Directorate of the Department.

(b) FEDERAL PROTECTIVE SERVICE.—

(1) IN GENERAL.—Not later than 90 days following the completion of the Government Accountability Office review of the organizational placement of the Federal Protective Service, as requested by Congress, the Secretary of Homeland Security shall submit to the Director of the Office of Management and Budget and the appropriate committees of Congress a recommendation regarding the appropriate placement of the Federal Protective Service within the executive branch of the Federal Government.

(2) CONSULTATION AND ASSESSMENT.—The recommendation described in paragraph (1) shall—

(A) be developed after consultation with the head of any executive branch entity that the Secretary intends to recommend for the placement of the Federal Protective Service; and

(B) include—

(i) an assessment of the how the Department of Homeland Security considered the Government Accountability Office review described in paragraph (1) and any other relevant analysis; and

(ii) an explanation of any statutory changes that may be necessary to effectuate the recommendation.

SEC. 1603. DHS REPORT ON CLOUD-BASED CYBERSECURITY.

(a) DEFINITION.—In this section, the term ''Department'' means the Department of Homeland Security.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Director of the Office of Management and Budget and the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform and the Committee on Homeland Security of the House of Representatives a report on the leadership role of the Department in cloud-based cybersecurity deployments for civilian Federal departments and agencies, which shall include—

(1) information on the plan of the Department for offering automated, software-based Security Operations Center as a service capabilities in accordance with the December 2017 Report to the President on Federal IT Modernization issued by the American Technology Council;

(2) information on what capabilities the Department will prioritize for those service capabilities, including—

(A) criteria the Department will use to evaluate capabilities offered by the private sector; and

(B) information on how government- and private sector-provided capabilities will be integrated to enable visibility and consistency of security capabilities across all cloud and on premise environments, as called for in the report described in paragraph (1); and

(3) information on how the Department will adapt the current capabilities of, and future enhancements to, the intrusion detection and prevention system of the Department and the Continuous Diagnostics and Mitigation Program of the Department to secure civilian government networks in a cloud environment.

SEC. 1604. RULE OF CONSTRUCTION.

Nothing in this title or an amendment made by this title may be construed as—

(1) conferring new authorities to the Secretary of Homeland Security, including programmatic, regulatory, or enforcement authorities, outside of the authorities in existence on the day before the date of enactment of this Act;

(2) reducing or limiting the programmatic, regulatory, or enforcement authority vested in any other Federal agency by statute; or

(3) affecting in any manner the authority, existing on the day before the date of enactment of this Act, of any other Federal agency or component of the Department of Homeland Security.

SEC. 1605. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this title or the amendments made by this title. This title and the amendments made by this title shall be carried out using amounts otherwise authorized.

TITLE VII—OTHER MATTERS

Subtitle A—Miscellaneous

SEC. 1701. AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF INSPECTOR GENERAL.

There is authorized to be appropriated for the Office of the Inspector General of the Department of Homeland Security $175,000,000 for each of fiscal years 2018 and 2019.

SEC. 1702. CANINE TEAMS.

Components of the Department of Homeland Security may request additional canine teams when there is a justified and documented shortage and such additional canine teams would be effective for drug detection or to enhance security.

SEC. 1703. REPORT ON RESOURCE REQUIREMENTS TO RESPOND TO CONGRESSIONAL REQUESTS.

(a) DEFINITIONS.—In this section—

(1) the term ''Department'' means the Department of Homeland Security; and

(2) the term ''Secretary'' means the Secretary of Homeland Security.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, and every year thereafter, the Secretary shall submit to Congress a report on requests made by Congress to the Department that shall include, with respect to the fiscal year preceding the report or, if available, the preceding 5 fiscal years—

(1) the total number of congressional requests to the Department, including a breakdown of the number of requests made by committees, subcommittees, and caucuses;

(2) the total number of congressional responses for which the Department was required to prepare, including a breakdown of the number of hearings, briefings, and outreach events for the Department and each component of the Department;

(3) the total number of requests for similar or duplicative briefings, hearings, and other events that were made by multiple committees of Congress, including—

(A) a breakdown of the number of requests for the Department and each component of the Department; and

(B) a breakdown of the number of requests for hearings by topic and by the requesting committees and subcommittees of Congress;

(4) the total number of written testimony before committees and reports that the Department had to prepare for or respond to, including—

(A) a breakdown of the number of written testimony before committees and reports that the Department and each component of the Department had to prepare for or respond to; and

(B) a breakdown of the number of written testimony before committees and reports that the Department and each component of the Department had to prepare for or respond to by topic, as determined by the Secretary;

(5) the total number and a list of congressional document requests and subpoenas sent to the Department, including all pending document requests and subpoenas, including—

(A) whether a request is currently pending;

(B) how long it took the Department to respond fully to each request, or, for pending requests, how long the request has been outstanding; and

(C) the reason for any response time greater than 90 days from the date on which the original request was received;

(6) the total number and a list of congressional questions for the record sent to the Department, including all pending questions for the record, including—

(A) whether a question for the record is currently pending;

(B) how long it took the Department to respond fully to each question for the record, or, for pending questions for the record, how long the request has been outstanding; and

(C) the reason for any response time greater than 90 days from the date on which the original question for the record was received; and

(7) the total number and a list of congressional letter requests for information, not including requests for documents or questions for the record, sent to the Department, including all pending requests for information, including—

(A) whether the request for information is currently pending;

(B) how long it took the Department to respond fully to each request for information, or, pending requests for information, how long the request has been outstanding; and

(C) the reason for any response time greater than 90 days from the date on which the original request for information was received; and

(8) any additional information as determined by the Secretary.

(c) TERMINATION.—This section shall terminate on the date that is 5 years after the date of enactment of this Act.

SEC. 1704. REPORT ON COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA TO COMBAT ILLICIT OPIOID SHIPMENTS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall submit to Congress a report on current and planned cooperation with the Government of the People's Republic of China to end opioid smuggling, including through online sellers, which shall include a discussion of—

(1) plans to leverage high-level partnerships with Chinese officials established through the United States–China Law Enforcement and Cybersecurity Dialogue to combat the shipment of illicit opioids to the United States;

(2) the current status and expected time frame for scheduling additional illicit opioids as illegal;

(3) the current status and expected time frame for shutting down smuggling routes and methods, including online sellers located in China; and

(4) any additional forums or diplomatic channels that should be used to further cooperation with other foreign governments to combat illicit opioid shipments.

Subtitle B—Commission to Review the Congressional Oversight of the Department of Homeland Security

SEC. 1711. SHORT TITLE.

This subtitle may be cited as the ''Congressional Commission to Review the Congressional Oversight of the Department of Homeland Security Act of 2018''.

SEC. 1712. ESTABLISHMENT.

There is established in the legislative branch a commission to be known as the ''Congressional Commission to Review Congressional Oversight of the Department of Homeland Security'' (in this subtitle referred to as the ''Commission'').

SEC. 1713. MEMBERS OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 6 members, of whom—

(1) 1 member shall be appointed by the Majority Leader of the Senate, in consultation with the leader of the House of Representatives who is a member of the political party of which the Majority Leader is a member, who shall serve as chairperson of the Commission;

(2) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the leader of the House of Representatives who is a member of the political party of which the Minority Leader is a member, who shall serve as vice chairperson of the Commission;

(3) 1 member shall be appointed by the Majority Leader of the Senate;

(4) 1 member shall be appointed by the Minority Leader of the Senate;

(5) 1 member shall be appointed by the Majority Leader of the House of Representatives; and

(6) 1 member shall be appointed by the Minority Leader of the House of Representatives.

(b) EXPERTISE.—In making appointments under this section, the individual making the appointment shall give consideration to—

(1) individuals with expertise in homeland security and congressional oversight; and

(2) individuals with prior senior leadership experience in the executive or legislative branch.

(c) TIMING OF APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act.

(d) TERMS; VACANCIES.—Each member shall be appointed for the duration of the Commission. Any vacancy in the Commission shall not affect the powers of the Commission, and shall be filled in the manner in which the original appointment was made.

(e) COMPENSATION.—Members of the Commission shall serve without pay.

(f) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) SECURITY CLEARANCES.—The appropriate Federal agencies or departments shall

cooperate with the Commission in expeditiously providing to the members and employees of the Commission appropriate security clearances to the extent possible, pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 1714. DUTIES OF THE COMMISSION.

(a) STUDY OF THE DEPARTMENT OF HOMELAND SECURITY.—The Commission shall conduct a comprehensive study of the congressional oversight of the Department of Homeland Security, including its components, subcomponents, directorates, agencies, and any other entities within the Department to—

(1) review the congressional oversight of the Department of Homeland Security; and

(2) make recommendations on how congressional committee jurisdictions in the Senate and House of Representatives could be modified to promote homeland security and the efficiency and congressional oversight of the Department.

(b) REPORT.—Upon the affirmative vote of not less than 4 of the members of the Commission, the Commission shall submit to the President and Congress a detailed statement of the findings and conclusions of the Commission based on the study carried out under subsection (a), together with the recommendations of the Commission for such legislation or administrative actions as the Commission considers appropriate in light of the results of the study.

(c) DEADLINE.—The Commission shall submit the report under subsection (b) not later than 9 months after the date on which a majority of the members of the Commission are appointed.

SEC. 1715. OPERATION AND POWERS OF THE COMMISSION.

(a) EXECUTIVE BRANCH ASSISTANCE.—The heads of the following agencies shall advise and consult with the Commission on matters within their respective areas of responsibility:

(1) The Department of Homeland Security.

(2) The Department of Justice.

(3) The Department of State.

(4) The Office of Management and Budget.

(5) Any other agency, as determined by the Commission.

(b) MEETINGS.—The Commission shall meet—

(1) not later than 30 days after the date on which a majority of the members of the Commission have been appointed; and

(2) at such times thereafter, at the call of the chairperson or vice chairperson.

(c) RULES OF PROCEDURE.—The chairperson and vice chairperson shall, with the approval of a majority of the members of the Commission, establish written rules of procedure for the Commission, which shall include a quorum requirement to conduct the business of the Commission.

(d) HEARINGS.—The Commission may, for the purpose of carrying out this subtitle, hold hearings, sit, and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(e) CONTRACTS.—The Commission may contract with and compensate government and private agencies or persons for any purpose necessary to enable it to carry out this subtitle.

(f) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(h) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance under paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

SEC. 1716. FUNDING.

(a) IN GENERAL.—Subject to subsection (b) and the availability of appropriations, at the request of the chairperson of the Commission, the Secretary of Homeland Security shall transfer funds, as specified in advance in appropriations Acts and in a total amount not to exceed $1,000,000, to the Commission for purposes of carrying out the activities of the Commission as provided in this subtitle.

(b) DURATION OF AVAILABILITY.—Amounts transferred to the Commission under subsection (a) shall remain available until the date on which the Commission terminates.

(c) PROHIBITION ON NEW FUNDING.—No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise available for the Department of Homeland Security and transferred under subsection (a).

SEC. 1717. PERSONNEL.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director who shall be appointed by the chairperson with the concurrence of the vice chairperson. The Executive Director shall be paid at a rate of pay established by the chairperson and vice chairperson, not to exceed the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF OF THE COMMISSION.—The Executive Director of the Commission may appoint and fix the pay of additional staff as the Executive Director considers appropriate.

(c) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(d) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 1718. TERMINATION.

The Commission shall terminate not later than 1 year after the date of enactment of this Act.

Subtitle C—Technical and Conforming Amendments

SEC. 1731. TECHNICAL AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

(a) TITLE IV.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended as follows:

(1) In section 427 (6 U.S.C. 235), by striking subsection (c).

(2) By striking section 431 (6 U.S.C. 239).

(3) In section 476 (6 U.S.C. 296)—

(A) by striking ''the Bureau of Citizenship and Immigration Services'' each place the term appears and inserting ''United States Citizenship and Immigration Services''; and

(B) by striking ''the Bureau of Border Security'' each place the term appears and inserting ''U.S. Immigration and Customs Enforcement''.

(4) In section 478 (6 U.S.C. 298)—

(A) in the section heading, by inserting ''**ANNUAL REPORT ON**'' before ''**IMMIGRATION**'';

(B) by striking subsection (b);

(C) in subsection (a)—

(i) by striking ''REPORT.—'' and all that follows through ''One year'' and inserting ''REPORT.—One year''; and

(ii) by redesignating paragraph (2) as subsection (b) and adjusting the margin accordingly; and

(D) in subsection (b), as so redesignated—

(i) in the heading, by striking ''MATTER INCLUDED'' and inserting ''MATTER INCLUDED''; and

(ii) by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively, and adjusting the margin accordingly.

(b) TITLE VIII.—Section 812 of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2222; 5 U.S.C. App., note to section 6 of Public Law 95–452) is amended as follows:

(1) By redesignating such section 812 as section 811.

(2) By striking subsections (a) and (c).

(3) In subsection (b)—

(A) by striking ''(as added by subsection (a) of this section)'' each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as subsections (b), (c), and (d), respectively, and adjusting the margin accordingly;

(C) in paragraph (1), by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and adjusting the margin accordingly; and

(D) by striking ''(b) PROMULGATION OF INITIAL GUIDELINES.—'' and all that follows through ''In this subsection'' and inserting the following:

''(a) DEFINITION.—In this section''.

(4) In subsection (b), as so redesignated, by striking ''IN GENERAL'' and inserting ''IN GENERAL''.

(5) In subsection (c), as so redesignated, by striking ''MINIMUM REQUIREMENTS'' and inserting ''MINIMUM REQUIREMENTS''.

(6) In subsection (d), as so redesignated, by striking ''NO LAPSE OF AUTHORITY'' and inserting ''NO LAPSE OF AUTHORITY''.

(c) TITLE IX.—Section 903(a) of the Homeland Security Act of 2002 (6 U.S.C. 493(a)) is amended in the subsection heading by striking ''MEMBERS—'' and inserting ''MEMBERS.—''.

(d) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended as follows:

(1) By striking the item relating to section 478 and inserting the following:

''Sec. 478. Annual report on immigration functions.''.

(2) By striking the items relating to sections 811 and 812 and inserting the following:

''Sec. 811. Law enforcement powers of Inspector General agents.''.

DIVISION F—TSA MODERNIZATION ACT

SEC. 2001. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This division may be cited as the ''TSA Modernization Act''.

(b) REFERENCES TO TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2002. DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the TSA.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—

(A) IN GENERAL.—The term ''appropriate committees of Congress'' means—

(i) the Committee on Commerce, Science, and Transportation of the Senate;

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

(iii) the Committee on Homeland Security of the House of Representatives.

(B) INCLUSIONS.—In title III, the term ''appropriate committees of Congress'' includes the Committee on Transportation and Infrastructure of the House of Representatives.

(3) ASAC.—The term ''ASAC'' means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

(4) EXPLOSIVE DETECTION CANINE TEAM.—The term ''explosives detection canine team'' means a canine and a canine handler that are trained to detect explosives and other threats as defined by the Secretary.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) TSA.—The term ''TSA'' means the Transportation Security Administration.

TITLE I—ORGANIZATION AND AUTHORIZATIONS

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

Section 114(w) is amended to read as follows:

''(w) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Transportation Security Administration for salaries, operations, and maintenance of the Administration—

''(1) $7,849,247,000 for fiscal year 2019;

''(2) $7,888,494,000 for fiscal year 2020; and

''(3) $7,917,936,000 for fiscal year 2021.''.

SEC. 2102. ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION; 5-YEAR TERM.

(a) IN GENERAL.—Section 114, as amended by section 2101, is further amended—

(1) in subsection (a), by striking ''Department of Transportation'' and inserting ''Department of Homeland Security'';

(2) by amending subsection (b) to read as follows:

''(b) LEADERSHIP.—

''(1) HEAD OF TRANSPORTATION SECURITY ADMINISTRATION.—

''(A) APPOINTMENT.—The head of the Administration shall be the Administrator of the Transportation Security Administration (referred to in this section as the 'Administrator'). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) QUALIFICATIONS.—The Administrator must—

''(i) be a citizen of the United States; and

''(ii) have experience in a field directly related to transportation or security.

''(C) TERM.—Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after August 1, 2017, the term of office of an individual appointed as the Administrator shall be 5 years.

''(2) DEPUTY ADMINISTRATOR.—

''(A) APPOINTMENT.—There is established in the Transportation Security Administration a Deputy Administrator, who shall assist the Administrator in the management of the Transportation Security Administration. The Deputy Administrator shall be appointed by the President.

''(B) VACANCY.—The Deputy Administrator shall be Acting Administrator during the absence or incapacity of the Administrator or during a vacancy in the office of Administrator.

''(C) QUALIFICATIONS.—The Deputy Administrator must—

''(i) be a citizen of the United States; and

''(ii) have experience in a field directly related to transportation or security.

''(3) CHIEF COUNSEL.—

''(A) APPOINTMENT.—There is established in the Transportation Security Administration a Chief Counsel, who shall advise the Administrator and other senior officials on all legal matters relating to the responsibilities, functions, and management of the Transportation Security Administration. The Chief Counsel shall be appointed by the President. The Chief Counsel shall be Acting Deputy Administrator during the absence or incapacity of the Deputy Administrator or during a vacancy in the office of the Deputy Administrator.

''(B) QUALIFICATIONS.—The Chief Counsel must be a citizen of the United States.'';

(3) in subsections (c), (e) through (n), (p), (q), and (r), by striking ''Under Secretary'' each place it appears and inserting ''Administrator''; and

(4) by amending subsection (d) to read as follows:

''(d) FUNCTIONS.—The Administrator shall be responsible for—

''(1) carrying out chapter 449, relating to civil aviation security, and related research and development activities;

''(2) security in land-based transportation, including railroad, highway, pipeline, public transportation, and over-the-road bus; and

''(3) supporting the Coast Guard with maritime security.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 114, as amended by subsection (a), is further amended—

(1) in subsection (g)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Subject to the direction and control of the Secretary'' and inserting ''Subject to the direction and control of the Secretary of Homeland Security''; and

(ii) in subparagraph (D), by inserting ''of Homeland Security'' after ''Secretary''; and

(B) in paragraph (3), by inserting ''of Homeland Security'' after ''Secretary'';

(2) in subsection (j)(1)(D), by inserting ''of Homeland Security'' after ''Secretary'';

(3) in subsection (k), by striking ''functions transferred, on or after the date of enactment of the Aviation and Transportation Security Act,'' and inserting ''functions assigned'';

(4) in subsection (l)(4)(B), by striking ''Administrator under subparagraph (A)'' and inserting ''Administrator of the Federal Aviation Administration under subparagraph (A)'';

(5) in subsection (n), by striking ''Department of Transportation'' and inserting ''Department of Homeland Security'';

(6) in subsection (o), by striking ''Department of Transportation'' and inserting ''Department of Homeland Security'';

(7) in subsection (p)(4), by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security'';

(8) in subsection (s)—

(A) in paragraph (3)(B), by inserting '')'' after ''Act of 2007''; and

(B) in paragraph (4)—

(i) in the heading, by striking ''SUBMISSIONS OF PLANS TO CONGRESS'' and inserting ''SUBMISSION OF PLANS'';

(ii) by striking subparagraph (A);

(iii) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(iv) in subparagraph (A), as redesignated—

(I) in the heading, by striking ''SUBSEQUENT VERSIONS'' and inserting ''IN GENERAL''; and

(II) by striking ''After December 31, 2015, the'' and inserting ''The''; and

(v) in subparagraph (B)(ii)(III)(cc), as redesignated, by striking ''for the Department'' and inserting ''for the Department of Homeland Security'';

(9) by redesignating subsections (u), (v), and (w) as subsections (t), (u), and (v), respectively;

(10) in subsection (t), as redesignated—

(A) in paragraph (1)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D);

(B) in paragraph (2), by inserting ''of Homeland Security'' after ''Plan, the Secretary'';

(C) in paragraph (4)(B)—

(i) by inserting ''of Homeland Security'' after ''agency within the Department''; and

(ii) by inserting ''of Homeland Security'' after ''Secretary'';

(D) by amending paragraph (6) to read as follows:

''(6) ANNUAL REPORT ON PLAN.—The Secretary of Homeland Security shall annually submit to the appropriate congressional committees a report containing the Plan.''; and

(E) in paragraphs (7) and (8), by inserting ''of Homeland Security'' after ''Secretary''; and

(11) in subsection (u), as redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ''or the Administrator'' after ''Secretary of Homeland Security''; and

(ii) in subparagraph (C)(ii), by striking ''Secretary's designee'' and inserting ''Secretary of Defense's designee'';

(B) in subparagraphs (B), (C), (D), and (E) of paragraph (3), by inserting ''of Homeland Security'' after ''Secretary'' each place it appears;

(C) in paragraph (4)(A), by inserting ''of Homeland Security'' after ''Secretary'';

(D) in paragraph (5), by inserting ''of Homeland Security'' after ''Secretary''; and

(E) in paragraph (7)—

(i) in subparagraph (A), by striking ''Not later than December 31, 2008, and annually thereafter, the Secretary'' and inserting ''The Secretary of Homeland Security''; and

(ii) by striking subparagraph (D).

(c) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR OF THE TSA.—

(A) POSITIONS AT LEVEL II.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Homeland Security for Management the following:

''Administrator of the Transportation Security Administration.''.

(B) BONUS ELIGIBILITY.—Section 101(c)(2) of the Aviation and Transportation Security Act (5 U.S.C. 5313 note) is amended—

(i) by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration'';

(ii) by striking ''on the Secretary's'' and inserting ''on the Secretary of Homeland Security's''; and

(iii) by striking ''Under Secretary's'' and inserting ''Administrator's''.

(2) DEPUTY ADMINISTRATOR OF THE TSA.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Administrator, Federal Aviation Administration the following:

''Deputy Administrator, Transportation Security Administration.''.

(3) CHIEF COUNSEL OF THE TSA.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Administrator, Federal Aviation Administration the following:

''Chief Counsel, Transportation Security Administration.''.

SEC. 2103. TRANSPORTATION SECURITY ADMINISTRATION ORGANIZATION.

Section 114, as amended by sections 2101 and 2102, is further amended by adding at the end the following:

''(w) LEADERSHIP AND ORGANIZATION.—

''(1) IN GENERAL.—For each of the areas described in paragraph (2), the Administrator of the Transportation Security Administration shall appoint at least 1 individual who shall—

''(A) report directly to the Administrator or the Administrator's designated direct report; and

''(B) be responsible and accountable for that area.

''(2) AREAS DESCRIBED.—The areas described in this paragraph are as follows:

''(A) Aviation security operations and training, including risk-based, adaptive security focused on airport checkpoint and baggage screening operations, workforce training and development programs, and other specialized programs designed to secure air transportation.

''(B) Surface transportation security operations and training, including risk-based, adaptive security focused on accomplishing security systems assessments, reviewing and prioritizing projects for appropriated surface transportation security grants, operator compliance with voluntary industry standards, workforce training and development programs, and other specialized programs designed to secure surface transportation.

''(C) Air cargo security operations, including risk-based, adaptive security focused on air cargo operations, inspections, and other specialized programs designed to secure cargo.

''(D) Industry engagement and planning, including the development, interpretation, promotion, and oversight of a unified effort regarding risk-based, risk-reducing security policies and plans (including strategic planning for future contingencies and security challenges) between government and transportation stakeholders, including airports, domestic and international airlines, general aviation, air cargo, mass transit and passenger rail, freight rail, pipeline, highway and motor carriers, and maritime.

''(E) International strategy and operations, including agency efforts to work with international partners to secure the global transportation network.

''(F) Trusted and registered traveler programs, including the management and marketing of the agency's trusted traveler initiatives, including the PreCheck Program, and coordination with trusted traveler programs of other Department of Homeland Security agencies and the private sector.

''(G) Technology acquisition and deployment, including the oversight, development, testing, evaluation, acquisition, deployment, and maintenance of security technology and other acquisition programs.

''(H) Inspection and compliance, including the integrity, efficiency and effectiveness of the agency's workforce, operations, and programs through objective audits, covert testing, inspections, criminal investigations, and regulatory compliance.

''(I) Civil rights, liberties, and traveler engagement, including ensuring that agency employees and the traveling public are treated in a fair and lawful manner consistent with Federal laws and regulations protecting privacy and prohibiting discrimination and reprisal.

''(J) Legislative and public affairs, including communication and engagement with internal and external audiences in a timely, accurate, and transparent manner, and development and implementation of strategies within the agency to achieve congressional approval or authorization of agency programs and policies.

''(3) NOTIFICATION.—The Administrator shall transmit to the appropriate committees of Congress—

''(A) not later than 180 days after the date of enactment of the TSA Modernization Act, a list of the names of the individuals appointed under paragraph (1); and

''(B) an update of the list not later than 5 days after any new individual is appointed under paragraph (1).''.

SEC. 2104. TSA LEAP PAY REFORM.

(a) DEFINITION OF BASIC PAY.—Clause (ii) of section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

''(ii) received after September 11, 2001, by a Federal air marshal or criminal investigator (as defined in section 5545a(a)(2)) of the Transportation Security Administration, subject to all restrictions and earning limitations imposed on criminal investigators receiving such pay under section 5545a, including the premium pay limitations under section 5547;''.

(b) EFFECTIVE DATE; APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), this section, and the amendments made by this section, shall take effect on the first day of the first pay period commencing on or after the date of enactment of this section.

(2) RETROACTIVE APPLICATION.—

(A) IN GENERAL.—Any availability pay received for any pay period commencing before the date of enactment of this Act by a Federal air marshal or criminal investigator employed by the Transportation Security Administration shall be deemed basic pay under section 8331(3) of title 5, United States Code, if the Transportation Security Administration treated such pay as retirement-creditable basic pay, but the Office of Personnel Management, based on an interpretation of section 8331(3) of title 5, United States Code, did not accept such pay as retirement-creditable basic pay.

(B) IMPLEMENTATION.—Not later than 3 months after the date of enactment of this Act, the Director of the Office of Personnel Management shall commence taking such actions as are necessary to implement the amendments made by this section with respect to availability pay deemed to be basic pay under subparagraph (A).

SEC. 2105. TRANSMITTALS TO CONGRESS.

With regard to each report, legislative proposal, or other communication of the Executive Branch related to the TSA and required to be submitted to Congress or the appropriate committees of Congress, the Administrator shall transmit such communication directly to the appropriate committees of Congress.

TITLE II—TRANSPORTATION SECURITY

Subtitle A—Security Technology

SEC. 2201. THIRD PARTY TESTING AND EVALUATION OF SCREENING TECHNOLOGY.

(a) IN GENERAL.—In carrying out the responsibilities under section 114(f)(9), the Administrator shall develop and implement, not later than 1 year after the date of enactment of this Act, a program to enable a vendor of related security screening technology to obtain testing and verification, including as an alternative to the TSA's test and evaluation process, by an appropriate third party, of such technology before procurement or deployment.

(b) DETECTION TESTING.—

(1) IN GENERAL.—The third party testing and verification program authorized under subsection (a) shall include detection testing to evaluate the performance of the security screening technology system regarding the probability of detection, the probability of false alarm, and such other indicators that the system is able to meet the TSA's mission needs.

(2) RESULTS.—The results of the third party detection testing under paragraph (1) shall be considered final if the results are approved by the Administration in accordance with approval standards developed by the Administrator.

(3) COORDINATION WITH FINAL TESTING.—To the extent practicable, but without compromising the integrity of the TSA test and evaluation process, the Administrator shall coordinate the third party detection testing under paragraph (1) with any subsequent, final Federal Government testing.

(4) INTERNATIONAL STANDARDS.—To the extent practicable and permissible under law and considering the national security interests of the United States, the Administrator shall—

(A) share detection testing information and standards with appropriate international partners; and

(B) coordinate with the appropriate international partners to align TSA testing and evaluation with relevant international standards to maximize the capability to detect explosives and other threats.

(c) OPERATIONAL TESTING.—

(1) IN GENERAL.—Subject to paragraph (2), the third party testing and verification program authorized under subsection (a) shall include operational testing.

(2) LIMITATION.—Third party operational testing under paragraph (1) may not exceed 1 year.

(d) ALTERNATIVE.—Third party testing under subsection (a) shall replace as an alternative, at the discretion of the Administrator, the testing at the TSA Systems Integration Facility, including operational testing for—

(1) health and safety factors;

(2) operator interface;

(3) human factors;

(4) environmental factors;

(5) throughput;

(6) reliability, maintainability, and availability factors; and

(7) interoperability.

(e) TESTING AND VERIFICATION FRAMEWORK.—

(1) IN GENERAL.—The Administrator shall—

(A) establish a framework for the third party testing and for verifying a security technology is operationally effective and able to meet the TSA's mission needs before it may enter or re-enter, as applicable, the operational context at an airport or other transportation facility;

(B) use phased implementation to allow the TSA and the third party to establish best practices; and

(C) oversee the third party testing and evaluation framework.

(2) RECOMMENDATIONS.—The Administrator shall request ASAC's Security Technology Subcommittee, in consultation with representatives of the security manufacturers industry, to develop and submit to the Administrator recommendations for the third party testing and verification framework.

(f) FIELD TESTING.—The Administrator shall prioritize the field testing and evaluation, including by third parties, of security technology and equipment at airports and on site at security technology manufacturers whenever possible as an alternative to the TSA Systems Integration Facility.

SEC. 2202. RECIPROCAL RECOGNITION OF SECURITY STANDARDS.

(a) IN GENERAL.—The Administrator, in coordination with appropriate international aviation security authorities, shall develop a validation process for the reciprocal recognition of security equipment technology approvals among international security partners or recognized certification authorities for deployment.

(b) REQUIREMENT.—The validation process shall ensure that the certification by each participating international security partner or recognized certification authority complies with detection, qualification, and information security, including cybersecurity, standards of the TSA, the Department of

Homeland Security, and the National Institute of Standards and Technology.

SEC. 2203. TRANSPORTATION SECURITY LABORATORY.

(a) IN GENERAL.—The Secretary, acting through the Administrator, shall administer the Transportation Security Laboratory.

(b) PERIODIC REVIEWS.—The Administrator shall review the screening technology test and evaluation process conducted at the Transportation Security Laboratory to improve the coordination, collaboration, and communication between the Transportation Security Laboratory and the Office of Acquisition Program Management at the TSA to identify factors contributing to acquisition inefficiencies, develop strategies to reduce acquisition inefficiencies, facilitate more expeditious initiation and completion of testing, and identify how laboratory practices can better support acquisition decisions.

SEC. 2204. INNOVATION TASK FORCE.

(a) IN GENERAL.—The Administrator shall establish an innovation task force—

(1) to cultivate innovations in aviation security;

(2) to develop and recommend how to prioritize and streamline requirements for new approaches to aviation security;

(3) to accelerate the development and introduction of new innovative aviation security technologies and improvements to aviation security operations; and

(4) to provide industry with access to the airport environment during the technology development and assessment process to demonstrate the technology and to collect data to understand and refine technical operations and human factor issues.

(b) ACTIVITIES.—The task force shall—

(1) conduct activities to identify and develop an innovative technology, emerging security capability, or process designed to enhance aviation security, including—

(A) by conducting a field demonstration of such a technology, capability, or process in the airport environment;

(B) by gathering performance data from such a demonstration to inform the acquisition process; and

(C) by enabling a small business with an innovative technology or emerging security capability, but less than adequate resources, to participate in such a demonstration;

(2) conduct at least quarterly collaboration meetings with industry, including air carriers, airport operators, and other aviation security stakeholders to highlight and discuss best practices on innovative security operations and technology evaluation and deployment; and

(3) submit to the appropriate committees of Congress an annual report on the effectiveness of key performance data from task force-sponsored projects and checkpoint enhancements.

(c) COMPOSITION.—

(1) APPOINTMENT.—The Administrator, in consultation with the Chairperson of ASAC shall appoint the members of the task force.

(2) CHAIRPERSON.—The task force shall be chaired by the Administrator's designee.

(3) REPRESENTATION.—The task force shall be comprised of representatives of—

(A) the relevant offices of the TSA;

(B) if considered appropriate by the Administrator, the Science and Technology Directorate of the Department of Homeland Security;

(C) any other component of the Department of Homeland Security that the Administrator considers appropriate; and

(D) such industry representatives as the Administrator considers appropriate.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the acquisition or deployment of an innovative technology, emerging security capability, or process identified, developed, or recommended under this section.

(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force established under this section.

SEC. 2205. 5-YEAR TECHNOLOGY INVESTMENT PLAN UPDATE.

Section 1611(g) of the Homeland Security Act of 2002 (6 U.S.C. 563(g)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting ''The Administrator shall, in collaboration with relevant industry and government stakeholders, annually submit to Congress in an appendix to the budget request and publish in an unclassified format in the public domain—'';

(2) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(3) in paragraph (2), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(3) information about acquisitions completed during the fiscal year preceding the fiscal year during which the report is submitted.''.

SEC. 2206. BIOMETRICS EXPANSION.

Not later than 270 days after the date of enactment of this Act, the Administrator, in coordination with the Commissioner of Customs and Border Protection, shall—

(1) assess the operational and security impact of using biometric technology to identify passengers;

(2) assess the effects on privacy of the expansion of the use of biometric technology under paragraph (1), including methods to mitigate any risks to privacy identified by the Administrator related to the active or passive collection of biometric data;

(3) facilitate, if appropriate, the deployment of such biometric technology at checkpoints, screening lanes, bag drop and boarding areas, and other areas where such deployment would enhance security and facilitate passenger movement;

(4) submit to the appropriate committees of Congress a report on the assessments under paragraph (1) and (2) and deployment under paragraph (3); and

(5) if practicable, publish the assessment required by paragraph (2) on a publicly accessible Internet website of the TSA.

SEC. 2207. PILOT PROGRAM FOR AUTOMATED EXIT LANE TECHNOLOGY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish a pilot program to implement and evaluate the use of automated exit lane technology at small hub airports and nonhub airports (as those terms are defined in section 40102 of title 49, United States Code).

(b) PARTNERSHIP.—The Administrator shall carry out the pilot program in partnership with the applicable airport directors.

(c) COST SHARE.—The Federal share of the cost of the pilot program under this section shall not exceed 85 percent of the total cost of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section $15,000,000 for each of fiscal years 2019 through 2021.

(e) GAO REPORT.—Not later than 2 years after the date the pilot program is implemented, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the pilot program, including—

(1) the extent of airport participation in the pilot program and how the program was implemented;

(2) the results of the pilot program and any reported benefits, including the impact on security and any cost-related efficiencies realized by TSA or at the participating airports; and

(3) the feasibility of expanding the pilot program to additional airports, including to medium and large hub airports.

SEC. 2208. AUTHORIZATION OF APPROPRIATIONS; EXIT LANE SECURITY.

There is authorized to be appropriated to carry out section 44903(n)(1) of title 49, United States Code, $77,000,000 for each of fiscal years 2019 through 2021.

SEC. 2209. REAL-TIME SECURITY CHECKPOINT WAIT TIMES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall make available to the public information on wait times at each airport security checkpoint.

(b) REQUIREMENTS.—The information described in subsection (a) shall be provided in real time via technology and published—

(1) online; and

(2) in physical locations at the applicable airport terminal.

(c) CONSIDERATIONS.—The Administrator shall make the information described in subsection (a) available to the public in a manner that does not increase public area security risks.

(d) DEFINITION OF WAIT TIME.—In this section, the term ''wait time'' means the period beginning when a passenger enters a queue for a screening checkpoint and ending when that passenger exited the checkpoint.

SEC. 2210. GAO REPORT ON UNIVERSAL DEPLOYMENT OF ADVANCED IMAGING TECHNOLOGIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the cost to the TSA or an airport to redesign, if necessary, airport security areas to fully deploy advanced imaging technologies at each airport at which security screening operations are conducted or overseen by the TSA.

(b) COST ANALYSIS.—As a part of the study conducted under subsection (a), the Comptroller General shall identify the costs that would be incurred by the TSA or the airport—

(1) to purchase the equipment and other assets necessary to deploy advanced imaging technologies at the airport;

(2) to install such equipment, including any related variant, and assets in the airport; and

(3) to maintain such equipment and assets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the findings of the study under subsection (a).

SEC. 2211. TESTING AND VERIFICATION PERFORMANCE OBJECTIVES.

(a) IN GENERAL.—The Administrator shall establish performance objectives for the testing and verification of security technology, including testing and verification conducted by third parties under section 2201, to ensure that progress is made, at a minimum, toward—

(1) reducing time for each phase of testing while maintaining security (including testing for detection testing, operational testing, testing and verification framework, and field testing);

(2) eliminating testing and verification delays; and

(3) increasing accountability.

(b) PERFORMANCE METRICS.—

(1) IN GENERAL.—In carrying out subsection (a), the Administrator shall establish and continually track performance metrics for each type of security technology submitted for testing and verification, including testing and verification conducted by third parties under section 2201.

(2) MEASURING PROGRESS TOWARD GOALS.—The Administrator shall use the metrics established and tracked under paragraph (1) to generate data on an ongoing basis and to measure progress toward the achievement of the performance objectives established under subsection (a).

(3) REPORT REQUIRED.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report assessing the extent to which the performance objectives established under subsection (a), as measured by the performance metrics established and tracked under paragraph (1), have been met.

(B) ELEMENTS.—The report required by subparagraph (A) shall include—

(i) a list of the performance metrics established under paragraph (1), including the length of time for each phase of testing and verification for each type of security technology; and

(ii) a comparison of the progress achieved for testing and verification of security technology conducted by the TSA and the testing and verification of security technology conducted by third parties.

(C) PROPRIETARY INFORMATION.—The report required by subparagraph (A) shall—

(i) not include identifying information regarding an individual or entity or equipment; and

(ii) protect proprietary information.

SEC. 2212. COMPUTED TOMOGRAPHY PILOT PROGRAM.

Not later than 90 days after the date of enactment of this Act, the Administrator shall carry out a pilot program to test the use of screening equipment using computed tomography technology to screen baggage at passenger screening checkpoints at airports.

SEC. 2213. NUCLEAR MATERIAL AND EXPLOSIVE DETECTION TECHNOLOGY.

The Secretary, in coordination with the Director of the National Institute of Standards and Technology and the head of each relevant Federal department or agency researching nuclear material detection systems or explosive detection systems, shall research, facilitate, and, to the extent practicable, deploy next generation technologies, including active neutron interrogation, to detect nuclear material and explosives in transportation systems and transportation facilities.

Subtitle B—Public Area Security

SEC. 2221. THIRD PARTY CANINES.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, to enhance the efficiency and efficacy of transportation security by increasing the supply of canine teams for use by the TSA and transportation stakeholders, the Administrator shall develop and issue standards that a third party explosives detection canine must satisfy to be certified for the screening of individuals and property, including detection of explosive vapors among individuals and articles of property, in public areas of an airport under section 44901 of title 49, United States Code.

(b) AUGMENTING PUBLIC AREA SECURITY.—

(1) IN GENERAL.—The Administrator shall develop guidance on the coordination of development and deployment of explosives detection canine teams for use by transportation stakeholders to enhance public area security at transportation hubs, including airports.

(2) CONSULTATION.—In developing the guidance under paragraph (1), the Administrator shall consult with such transportation stakeholders, canine providers, law enforcement, and transportation security providers as the Administrator considers relevant.

(c) AGREEMENT.—Subject to subsections (d), (e), and (f), not later than 180 days after the date of enactment of this Act, the Administrator shall enter into an agreement with at least 1 third party to test and certify the capabilities of canines in accordance with the standards under subsection (a).

(d) EXPEDITED DEPLOYMENT.—In entering into an agreement under subsection (c), the Administrator shall use—

(1) the other transaction authority under section 114(m) of title 49, United States Code; or

(2) such other authority of the Administrator as the Administrator considers appropriate to expedite the deployment of additional canine teams.

(e) PROCESS.—Before entering into an agreement under subsection (c), the Administrator shall—

(1) evaluate and verify the third party's ability to effectively evaluate the capabilities of canines;

(2) designate at least 3 evaluation centers to which vendors may send canines for testing and certification by the third party; and

(3) periodically assess the program at evaluation centers to ensure the proficiency of the canines beyond the initial testing and certification by the third party.

(f) CONSULTATION.—To determine best practices for the use of third parties to test and certify the capabilities of canines, the Administrator shall consult with the following persons before entering into an agreement under subsection (c):

(1) The Secretary of State.

(2) The Secretary of Defense.

(3) Non-profit organizations that train, certify, and provide the services of canines for various purposes.

(4) Institutions of higher education with research programs related to use of canines for the screening of individuals and property, including detection of explosive vapors among individuals and articles of property.

(g) THIRD PARTY EXPLOSIVES DETECTION CANINE PROVIDER LIST.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop and maintain a list of the names of each third party from which the TSA procures explosive detection canines, including for each such third party the relevant contractual period of performance.

(2) DISTRIBUTION.—The Administrator shall make the list under paragraph (1) available to appropriate transportation stakeholders in such form and manner as the Administrator prescribes.

(h) OVERSIGHT.—The Administrator shall establish a process to ensure appropriate oversight of the certification program and compliance with the standards under subsection (a), including periodic audits of participating third parties.

(i) AUTHORIZATION.—

(1) TSA.—The Administrator shall develop and implement a process for the TSA to procure third party explosives detection canines certified under this section.

(2) AVIATION STAKEHOLDERS.—

(A) IN GENERAL.—The Administrator shall authorize an aviation stakeholder, under the oversight of and in coordination with the Federal Security Director at an applicable airport, to contract with, procure or purchase, and deploy one or more third party explosives detection canines certified under this section to augment public area security at that airport.

(B) APPLICABLE LARGE HUB AIRPORTS.—

(i) IN GENERAL.—Notwithstanding any law to the contrary and subject to the other provisions of this paragraph, an applicable large hub airport may provide a certified canine described in subparagraph (A) on an in-kind basis to the TSA to be deployed as a passenger screening canine at that airport unless the applicable large hub airport consents to the use of that certified canine elsewhere.

(ii) NONDEPLOYABLE CANINES.—Any certified canine provided to the TSA under clause (i) that does not complete training for deployment under that clause shall be the responsibility of the large hub airport unless the TSA agrees to a different outcome.

(C) HANDLERS.—Not later than 30 days before an applicable large hub airport begins training a certified canine under subparagraph (B), the airport shall notify the TSA of such training and the Administrator shall assign a TSA canine handler to participate in the training with that canine, as appropriate.

(D) LIMITATION.—The Administrator may not reduce the staffing allocation model for an applicable large hub airport based on that airport's provision of a certified canine under this paragraph.

(j) DEFINITIONS.—In this section:

(1) APPLICABLE LARGE HUB AIRPORT.—The term ''applicable large hub airport'' means a large hub airport (as defined in section 40102 of title 49, United States Code) that has less than 100 percent of the allocated passenger screening canine teams staffed by the TSA.

(2) AVIATION STAKEHOLDER.—The term ''aviation stakeholder'' includes an airport, airport operator, and air carrier.

SEC. 2222. TRACKING AND MONITORING OF CANINE TRAINING AND TESTING.

Not later than 180 days after the date of enactment of this Act, the Administrator shall use, to the extent practicable, a digital monitoring system for all training, testing, and validation or certification of public and private canine assets utilized or funded by the TSA to facilitate improved review, data analysis, and record keeping of canine testing performance and program administration.

SEC. 2223. VIPR TEAM STATISTICS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Administrator shall notify the appropriate committees of Congress of the number of VIPR teams available for deployment at transportation facilities, including—

(1) the number of VIPR team operations that include explosive detection canine teams; and

(2) the distribution of VIPR team operations deployed across different modes of transportation.

(b) ANNEX.—The notification under subsection (a) may contain a classified annex.

(c) DEFINITION OF VIPR TEAM.—In this section, the term ''VIPR'' means a Visible Intermodal Prevention and Response team authorized under section 1303 of the National Transit Systems Security Act of 2007 (6 U.S.C. 1112).

SEC. 2224. PUBLIC AREA BEST PRACTICES.

(a) IN GENERAL.—The Administrator shall, in accordance with law and as received or developed, periodically submit information, on any best practices developed by the TSA or appropriate transportation stakeholders related to protecting the public spaces of transportation infrastructure from emerging threats, to the following:

(1) Federal Security Directors at airports.

(2) Appropriate security directors for other modes of transportation.

(3) Other appropriate transportation security stakeholders.

(b) INFORMATION SHARING.—The Administrator shall, in accordance with law—

(1) in coordination with the Office of the Director of National Intelligence and industry partners, implement improvements to the Air Domain Intelligence and Analysis

Center to encourage increased participation from stakeholders and enhance government and industry security information sharing on transportation security threats, including on cybersecurity threat awareness;

(2) expand and improve the City and Airport Threat Assessment or similar program to public and private stakeholders to capture, quantify, communicate, and apply applicable intelligence to inform transportation infrastructure mitigation measures, such as—

(A) quantifying levels of risk by airport that can be used to determine risk-based security mitigation measures at each location;

(B) determining random and surge employee inspection operations based on changing levels of risk; and

(C) targeting any high-risk employee groups and specific points of risk within the airport perimeter for such mitigation measures as random inspections;

(3) continue to disseminate Transportation Intelligence Notes, tear-lines, and related intelligence products to appropriate transportation security stakeholders on a regular basis; and

(4) continue to conduct both regular routine and threat-specific classified briefings between the TSA and appropriate transportation sector stakeholders on an individual or group basis to provide greater information sharing between public and private sectors.

(c) MASS NOTIFICATION.—The Administrator shall encourage security stakeholders to utilize mass notification systems, including the Integrated Public Alert Warning System of the Federal Emergency Management Agency and social media platforms, to disseminate information to transportation community employees, travelers, and the general public, as appropriate.

(d) PUBLIC AWARENESS PROGRAMS.—The Secretary, in coordination with the Administrator, shall expand public programs of the Department of Homeland Security and the TSA that increase security threat awareness, education, and training to include transportation network public area employees, including airport and transportation vendors, local hotels, cab and limousine companies, ridesharing companies, cleaning companies, gas station attendants, cargo operators, and general aviation members.

(e) AVIATION EMPLOYEE VETTING.—The Administrator shall allow an air carrier, airport, or airport operator, in addition to any background check required for initial employment, to utilize the Federal Bureau of Investigation's Rap Back Service and other vetting tools as appropriate, including the No-Fly and Selectee lists, to get immediate notification of any criminal activity relating to an employee with access to an airport or its perimeter, regardless of whether the employee is seeking access to a public or secured area of the airport.

SEC. 2225. LAW ENFORCEMENT OFFICER REIMBURSEMENT PROGRAM.

(a) IN GENERAL.—In accordance with section 44903(c)(1) of title 49, United States Code, the Administrator shall increase the number of awards, and the total funding amount of each award, under the Law Enforcement Officer Reimbursement Program—

(1) to increase the presence of law enforcement officers in the public areas of airports, including baggage claim, ticket counters, and nearby roads;

(2) to increase the presence of law enforcement officers at screening checkpoints;

(3) to reduce the response times of law enforcement officers during security incidents; and

(4) to provide visible deterrents to potential terrorists.

(b) COOPERATION BY ADMINISTRATOR.—In carrying out subsection (a), the Administrator shall use the authority provided to the Administrator under section 114(m) of title 49, United States Code, that is the same authority as is provided to the Administrator of the Federal Aviation Administration under section 106(m) of that title.

(c) ADMINISTRATIVE BURDENS.—The Administrator shall review the regulations and compliance policies related to the Law Enforcement Officer Reimbursement Program and, if necessary, revise such regulations and policies to reduce any administrative burdens on applicants or recipients of such awards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 44901(h) of title 49, United States Code, $55,000,000 for each of fiscal years 2019 through 2021.

Subtitle C—Passenger and Cargo Security

SEC. 2231. PRECHECK PROGRAM.

(a) IN GENERAL.—Section 44919 is amended to read as follows:

"§ 44919. PreCheck Program

''(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall continue to administer the PreCheck Program in accordance with section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note).

''(b) EXPANSION.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall enter into an agreement, using other transaction authority under section 114(m) of this title, with at least 2 private sector entities to increase the methods and capabilities available for the public to enroll in the PreCheck Program.

''(c) MINIMUM CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

''(1) Start-to-finish secure online or mobile enrollment capability.

''(2) Vetting of an applicant by means other than biometrics, such as a risk assessment, if—

''(A) such means—

''(i) are evaluated and certified by the Secretary of Homeland Security;

''(ii) meet the definition of a qualified anti-terrorism technology under section 865 of the Homeland Security Act of 2002 (6 U.S.C. 444); and

''(iii) are determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and

''(B) with regard to private sector risk assessments, the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in such risk assessments.

''(d) ADDITIONAL CAPABILITY REQUIREMENTS.—At least 1 agreement under subsection (b) shall include the following capabilities:

''(1) Start-to-finish secure online or mobile enrollment capability.

''(2) Vetting of an applicant by means of biometrics if the collection—

''(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology;

''(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as 'Privacy Act of 1974'), and with agency regulations; and

''(C) is evaluated and certified by the Secretary of Homeland Security.

''(e) TARGET ENROLLMENT.—Subject to subsections (b), (c), and (d), the Administrator shall take actions to expand the total number of individuals enrolled in the PreCheck Program as follows:

''(1) 7,000,000 passengers before October 1, 2019.

''(2) 10,000,000 passengers before October 1, 2020.

''(3) 15,000,000 passengers before October 1, 2021.

''(f) MARKETING OF PRECHECK PROGRAM.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall—

''(1) enter into at least 2 agreements, using other transaction authority under section 114(m) of this title, to market the PreCheck Program; and

''(2) implement a long-term strategy for partnering with the private sector to encourage enrollment in such program.

''(g) IDENTITY VERIFICATION ENHANCEMENT.—The Administrator shall—

''(1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify the identity and citizenship of individuals enrolling in the PreCheck Program;

''(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

''(3) consider leveraging the existing resources and abilities of airports to collect fingerprints for use in background checks to expedite identity verification.

''(h) PRECHECK PROGRAM LANES OPERATION.—The Administrator shall—

''(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

''(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

''(i) VETTING FOR PRECHECK PROGRAM PARTICIPANTS.—The Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

''(j) ASSURANCE OF SEPARATE PROGRAM.—In carrying out this section, the Administrator shall ensure that the additional private sector application capabilities under subsections (b), (c), and (d) are undertaken in addition to any other related TSA program, initiative, or procurement, including the Universal Enrollment Services program.

''(k) EXPENDITURE OF FUNDS.—Any Federal funds expended by the Administrator to expand PreCheck Program enrollment shall be expended in a manner that includes the requirements of this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL.—Subtitle A of title III of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44901 note) and the items relating to that subtitle in the table of contents of that Act are repealed.

(2) TABLE OF CONTENTS.—The table of contents of chapter 449 is amended by amending

the item relating to section 44919 to read as follows:

''44919. PreCheck Program.''.

(3) SCREENING PASSENGERS AND PROPERTY.—Section 44901(a) is amended by striking ''44919 or''.

SEC. 2232. TRUSTED TRAVELER PROGRAMS; COLLABORATION.

Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection, shall—

(1) review each trusted traveler program administered by U.S. Customs and Border Protection and the PreCheck Program;

(2) identify any improvements that can be made to such programs—

(A) to streamline and integrate the requirements and operations of such programs to reduce administrative burdens, including applications for inclusion and determining whether a valid credential can satisfy the requirements for another credential;

(B) to increase information and data sharing across such programs; and

(C) to allow the public to access and link to the applications for enrollment in all of such programs from 1 online portal;

(3) identify any law, including regulations, policy, or procedure that may unnecessarily inhibit collaboration among Department of Homeland Security agencies regarding such programs or implementation of the improvements identified under paragraph (2);

(4) recommend any legislative, administrative, or other actions that can be taken to eliminate any unnecessary barriers to collaboration or implementation identified in paragraph (3); and

(5) submit to the appropriate committees of Congress a report on the review, including any unnecessary barriers to collaboration or implementation identified under paragraph (3), and any recommendations under paragraph (4).

SEC. 2233. PASSENGER SECURITY FEE.

Section 44940(c) is amended by adding at the end the following:

''(3) OFFSETTING COLLECTIONS.—Beginning on October 1, 2025, fees collected under subsection (a)(1) for any fiscal year shall be credited as offsetting collections to appropriations made for aviation security measures carried out by the Transportation Security Administration, to remain available until expended.''.

SEC. 2234. THIRD PARTY CANINE TEAMS FOR AIR CARGO SECURITY.

Section 1307 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is amended by adding at the end the following:

''(h) THIRD PARTY CANINE TEAMS FOR AIR CARGO SECURITY.—

''(1) IN GENERAL.—In order to enhance the screening of air cargo and ensure that third party explosives detection canine assets are leveraged for such purpose, the Administrator shall, not later than 180 days after the date of enactment of the TSA Modernization Act—

''(A) develop and issue standards for the use of such third party explosives detection canine assets for the primary screening of air cargo;

''(B) develop a process to identify qualified non-Federal entities that will certify canine assets that meet the standards established by the Administrator under subparagraph (A);

''(C) ensure that entities qualified to certify canine assets shall be independent from entities that will train and provide canines to end users of such canine assets;

''(D) establish a system of Transportation Security Administration audits of the process developed under subparagraph (B); and

''(E) provide that canines certified for the primary screening of air cargo can be used by air carriers, foreign air carriers, freight forwarders, and shippers.

''(2) IMPLEMENTATION.—Beginning on the date that the development of the process under paragraph (1)(B) is complete, the Administrator shall—

''(A) facilitate the deployment of such assets that meet the certification standards of the Administration, as determined by the Administrator;

''(B) make such standards available to vendors seeking to train and deploy third party explosives detection canine assets; and

''(C) ensure that all costs for the training and certification of canines, and for the use of supplied canines, are borne by private industry and not the Federal Government.

''(3) DEFINITIONS.—In this subsection:

''(A) AIR CARRIER.—The term 'air carrier' has the meaning given the term in section 40102 of title 49, United States Code.

''(B) FOREIGN AIR CARRIER.—The term 'foreign air carrier' has the meaning given the term in section 40102 of title 49, United States Code.

''(C) THIRD PARTY EXPLOSIVES DETECTION CANINE ASSET.—The term 'third party explosives detection canine asset' means any explosives detection canine or handler not owned or employed, respectively, by the Transportation Security Administration.''.

SEC. 2235. KNOWN SHIPPER PROGRAM REVIEW.

The Administrator shall direct the Air Cargo Subcommittee of ASAC—

(1) to conduct a comprehensive review and security assessment of the Known Shipper Program;

(2) to recommend whether the Known Shipper Program should be modified or eliminated considering the full implementation of 100 percent screening under section 44901(g) of title 49, United States Code; and

(3) to report its findings and recommendations to the Administrator.

SEC. 2236. SCREENING PARTNERSHIP PROGRAM UPDATES.

(a) SECURITY SCREENING OPT-OUT PROGRAM.—Section 44920 is amended—

(1) in the heading by striking ''**Security screening opt-out program**'' and inserting ''**Screening partnership program**'';

(2) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—An operator of an airport, airport terminal, or airport security checkpoint may submit to the Administrator of the Transportation Security Administration an application to carry out the screening of passengers and property at the airport under section 44901 by personnel of a qualified private screening company pursuant to a contract with the Transportation Security Administration.'';

(3) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Not later than 30 days after the date of receipt of an application submitted by an operator of an airport, airport terminal, or airport security checkpoint under subsection (a), the Administrator shall approve or deny the application.''; and

(B) in paragraphs (2) and (3), by striking ''Under Secretary'' each place it appears and inserting ''Administrator'';

(4) in subsection (d)—

(A) in the heading, by striking ''STANDARDS'' inserting ''SELECTION OF CONTRACTS AND STANDARDS'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) in paragraph (1)—

(i) by striking ''The Under Secretary may enter'' and all that follows through ''certifies to Congress that—'' and inserting ''The Administrator shall, upon approval of the application, provide each operator of an airport, airport terminal, or airport security checkpoint with a list of qualified private screening companies.''; and

(ii) by inserting before subparagraphs (A) and (B) the following:

''(2) CONTRACTS.—Not later than 90 days after the selection of a qualified private screening company by the operator, the Administrator shall enter into a contract with such company for the provision of screening at the airport, airport terminal, or airport security checkpoint if—''; and

(D) in paragraph (2), as redesignated—

(i) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (B)—

(I) by striking ''Under Secretary'' and inserting ''Administrator''; and

(II) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) the selected qualified private screening company offered contract price is equal to or less than the cost to the Federal Government to provide screening services at the airport, airport terminal, or airport security checkpoint.''; and

(E) in paragraph (3), as redesignated—

(i) by striking ''paragraph (1)(B)'' and inserting ''paragraph (2)(B)''; and

(ii) by striking ''Under Secretary'' each place it appears and inserting ''Administrator'';

(5) in subsection (e)—

(A) in the heading, by striking ''SCREENED'' and inserting ''SCREENING'';

(B) by striking the period at the end and inserting ''; and'';

(C) by striking ''The Under Secretary shall'' and inserting ''The Administrator shall—'';

(D) by inserting ''(1)'' before ''provide Federal Government'' and indenting appropriately; and

(E) by adding at the end the following:

''(2) undertake covert testing and remedial training support for employees of private screening companies providing screening at airports.'';

(6) in subsection (f)—

(A) in the heading, by inserting ''OR SUSPENSION'' after ''TERMINATION'';

(B) by striking ''terminate'' and inserting ''suspend or terminate, as appropriate,''; and

(C) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''; and

(7) by striking subsection (h).

(b) APPLICATIONS SUBMITTED BEFORE THE DATE OF ENACTMENT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall approve or deny, in accordance with section 44920(b) of title 49, United States Code, as amended by this Act, each application submitted before the date of enactment of this Act, by an airport operator under subsection (a) of that section, that is awaiting such a determination.

SEC. 2237. SCREENING PERFORMANCE ASSESSMENTS.

Subject to part 1520 of title 49, Code of Federal Regulations, the Administrator shall quarterly make available to the airport director of an airport—

(1) an assessment of the screening performance of that airport compared to the mean average performance of all airports in the equivalent airport category for screening performance data; and

(2) a briefing on the results of performance data reports, including—

(A) a scorecard of objective metrics developed by the Office of Security Operations to

measure screening performance, such as results of annual proficiency reviews and covert testing, at the appropriate level of classification; and

(B) other performance data, including—

(i) passenger throughput;

(ii) wait times; and

(iii) employee attrition, absenteeism, injury rates, and any other human capital measures collected by TSA.

SEC. 2238. TSA ACADEMY REVIEW.

(a) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct an assessment of the efficiency and effectiveness of the new-hire TSA Academy at training airport security personnel compared to when such training of transportation security officers was conducted at local airports; and

(2) submit to the appropriate committees of Congress a report on the findings of the assessment and any recommendations to maximize the efficiency and effectiveness of training for airport security personnel.

(b) CONTENTS.—The assessment shall—

(1) include a cost-benefit analysis of training new Transportation Security Officer and Screening Partnership Program contractor hires at the TSA Academy compared to when such training of transportation security officers was conducted at local airports;

(2) examine the impact on performance, professionalism, and retention rates of Transportation Security Officer and Screening Partnership Program contractor employees since the new training protocols at the TSA Academy have been put in place compared to when training was conducted at local airports; and

(3) examine whether new hire training at the TSA Academy has had any impact on the airports and companies that participate in the Screening Partnership Program.

SEC. 2239. IMPROVEMENTS FOR SCREENING OF DISABLED PASSENGERS.

(a) REVISED TRAINING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with nationally-recognized veterans and disability organizations, shall revise the training requirements for Transportation Security Officers related to the screening of disabled passengers, including disabled passengers who participate in the PreCheck program.

(2) TRAINING SPECIFICATIONS.—In revising the training requirements under paragraph (1), the Administrator shall address the proper screening, and any particular sensitivities related to the screening, of a disabled passenger traveling with—

(A) a medical device, including an indwelling medical device;

(B) a prosthetic;

(C) a wheelchair, walker, scooter, or other mobility device; or

(D) a service animal.

(3) TRAINING FREQUENCY.—The Administrator shall implement the revised training under paragraph (1) during initial and recurrent training of all Transportation Security Officers.

(b) BEST PRACTICES.—The individual at the TSA responsible for civil rights, liberties, and traveler engagement shall—

(1) record each complaint from a disabled passenger regarding the screening practice of the TSA;

(2) identify the most frequent concerns raised, or accommodations requested, in the complaints;

(3) determine the best practices for addressing the concerns and requests identified in paragraph (2); and

(4) recommend appropriate training based on such best practices.

(c) SIGNAGE.—At each category X airport, the TSA shall place signage at each security checkpoint that—

(1) specifies how to contact the appropriate TSA employee at the airport designated to address complaints of screening mistreatment based on disability; and

(2) describes how to receive assistance from that individual or other qualified personnel at the security screening checkpoint.

(d) REPORTS TO CONGRESS.—Not later than September 30 of the first full fiscal year after the date of enactment of this Act, and each fiscal year thereafter, the Administrator shall submit to the appropriate committees of Congress a report on the checkpoint experiences of disabled passengers, including the following:

(1) The number and most frequent types of disability-related complaints received.

(2) The best practices recommended under subsection (b) to address the top areas of concern.

(3) The estimated wait times for assist requests for disabled passengers, including disabled passengers who participate in the PreCheck program.

SEC. 2240. AIR CARGO ADVANCE SCREENING PROGRAM.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection and the Administrator, consistent with the requirements of the Trade Act of 2002 (Public Law 107–210) shall—

(1) establish an air cargo advance screening program (referred to in this section as the ''ACAS Program'') for the collection of advance electronic information from air carriers and other persons within the supply chain regarding cargo being transported to the United States by air;

(2) under such program, require that such information be transmitted by such air carriers and other persons at the earliest point practicable prior to loading of such cargo onto an aircraft destined to or transiting through the United States;

(3) establish appropriate communications systems with freight forwarders, shippers, and air carriers;

(4) establish a system that will allow freight forwarders, shippers, and air carriers to provide shipment level data for air cargo, departing from any location that is inbound to the United States; and

(5) identify opportunities in which the information furnished in compliance with the ACAS Program could be used by the Administrator.

(b) INSPECTION OF HIGH-RISK CARGO.—Under the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall ensure that all cargo that has been identified as high-risk is inspected—

(1) prior to the loading of such cargo onto aircraft at the last point of departure, or

(2) at an earlier point in the supply chain, before departing for the United States.

(c) CONSULTATION.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall consult with relevant stakeholders, as appropriate, to ensure that an operationally feasible and practical approach to—

(1) the collection of advance information with respect to cargo on aircraft departing for the United States is applied, and

(2) the inspection of high-risk cargo, recognizes the significant differences among air cargo business models and modes of transportation.

(d) ANALYSIS.—The Commissioner of U.S. Customs and Border Protection and the Administrator may analyze the information described in subsection (a) in the Department of Homeland Security's automated targeting system and integrate such information with other intelligence to enhance the accuracy of the risk assessment process under the ACAS Program.

(e) NO DUPLICATION.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall carry out this section in a manner that, after the ACAS Program is fully in effect, ensures, to the greatest extent practicable, that the ACAS Program does not duplicate other Department of Homeland Security programs or requirements relating to the submission of air cargo data or the inspection of high-risk cargo.

(f) CONSIDERATION OF INDUSTRY.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall—

(1) consider the content and timeliness of the available data may vary among entities in the air cargo industry and among countries, and explore procedures to accommodate such variations while maximizing the contribution of such data to the risk assessment process under the ACAS Program;

(2) test the business processes, technologies, and operational procedures required to provide advance information with respect to cargo on aircraft departing for the United States and carry out related inspection of high-risk cargo, while ensuring delays and other negative impacts on vital supply chains are minimized; and

(3) consider the cost, benefit, and feasibility before establishing any set time period for submission of certain elements of the data for air cargo under this section in line with the regulatory guidelines specified in Executive Order 13563 or any successor Executive order or regulation.

(g) GUIDANCE.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall provide guidance for participants in the ACAS Program regarding the requirements for participation, including requirements for transmitting shipment level data.

(h) USE OF DATA.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall use the data provided under the ACAS Program for targeting shipments for screening and aviation security purposes only.

(i) FINAL RULE.—Not later than 180 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection, in coordination with the Administrator, shall issue a final regulation to implement the ACAS Program to include the electronic transmission to U.S. Customs and Border Protection of data elements for targeting cargo, including appropriate security elements of shipment level data.

(j) REPORT.—Not later than 180 days after the date of the commencement of the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall submit to the appropriate Committees of Congress a report detailing the operational implementation of providing advance information under the ACAS Program and the value of such information in targeting cargo.

SEC. 2241. GENERAL AVIATION AIRPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Securing General Aviation and Charter Air Carrier Service Act''.

(b) ADVANCED PASSENGER PRESCREENING SYSTEM.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of the deployment of the advanced passenger prescreening system, and access thereto for certain aircraft charter operators, as required by section 44903(j)(2)(E) of title 49, United States Code, including—

(1) the reasons for the delay in deploying the system; and

(2) a detailed schedule of actions necessary for the deployment of the system.

(c) SCREENING SERVICES OTHER THAN IN PRIMARY PASSENGER TERMINALS.—

(1) IN GENERAL.—Subject to the provisions of this subsection, the Administrator may provide screening services to a charter air carrier in an area other than the primary passenger terminal of an applicable airport.

(2) REQUESTS.—A request for screening services under paragraph (1) shall be made at such time, in such form, and in such manner as the Administrator may require, except that the request shall be made to the Federal Security Director for the applicable airport at which the screening services are requested.

(3) AVAILABILITY.—A Federal Security Director may provide requested screening services under this section if the Federal Security Director determines such screening services are available.

(4) AGREEMENTS.—

(A) LIMITATION.—No screening services may be provided under this section unless a charter air carrier agrees in writing to compensate the TSA for all reasonable costs, including overtime, of providing the screening services.

(B) PAYMENTS.—Notwithstanding section 3302 of title 31, United States Code, payment received under subparagraph (A) shall be credited to the account that was used to cover the cost of providing the screening services. Amounts so credited shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

(5) DEFINITIONS.—In this subsection:

(A) APPLICABLE AIRPORT.—The term ''applicable airport'' means an airport that—

(i) is not a commercial service airport; and

(ii) is receiving screening services for scheduled passenger aircraft.

(B) CHARTER AIR CARRIER.—The term ''charter air carrier'' has the meaning given the term in section 40102 of title 49, United States Code.

(C) SCREENING SERVICES.—The term ''screening services'' means the screening of passengers and property similar to the screening of passengers and property described in section 44901 of title 49, United States Code.

(d) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall, consistent with the requirements of paragraphs (6) and (7) of section 44946(b) of title 49, United States Code, submit to the appropriate Committees of Congress an implementation plan, including an implementation schedule, for any of the following recommendations that were adopted by the ASAC and with which the Administrator has concurred before the date of the enactment of this Act:

(1) The recommendation regarding general aviation access to Ronald Reagan Washington National Airport, as adopted on February 17, 2015.

(2) The recommendation regarding the vetting of persons seeking flight training in the United States, as adopted on July 28, 2016.

(3) Any other such recommendations relevant to the security of general aviation adopted before the date of the enactment of this Act.

(e) DESIGNATED STAFFING.—The Administrator may designate 1 or more full-time employees of the TSA to liaise with, and respond to issues raised by, general aviation stakeholders.

(f) SECURITY ENHANCEMENTS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall submit to the appropriate committees of Congress a report on the feasibility of requiring a security threat assessment before an individual could obtain training from a private flight school to operate an aircraft having a maximum certificated takeoff weight of more than 12,500 pounds.

Subtitle D—Foreign Airport Security

SEC. 2251. LAST POINT OF DEPARTURE AIRPORTS; SECURITY DIRECTIVES.

(a) NOTICE AND CONSULTATION.—

(1) IN GENERAL.—The Administrator shall, to the maximum extent practicable, consult and notify the following stakeholders prior to making changes to security standards via security directives and emergency amendments for last points of departure:

(A) Trade association representatives, for affected air carriers and airports, who hold the appropriate security clearances.

(B) The head of each relevant Federal department or agency, including the Administrator of the Federal Aviation Administration.

(2) TRANSMITTAL TO CONGRESS.—Not later than 3 days after the date that the Administrator issues a security directive or emergency amendment for a last point of departure, the Administrator shall transmit to the appropriate committees of Congress a description of the extent to which the Administrator consulted and notified the stakeholders under paragraph (1).

(b) GAO REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall review the effectiveness of the TSA process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at last point of departure airports and submit to the appropriate committees of Congress and the Administrator a report on the findings and recommendations.

(2) CONTENTS.—In conducting the review under paragraph (1), the Comptroller General shall—

(A) review current security directives, emergency amendments, and any other policies related to international aviation security at last point of departure airports;

(B) review the extent of intra-agency and interagency coordination, stakeholder outreach, coordination, and feedback; and

(C) review TSA's process and criteria for, and implementation of, updating or revoking the policies described in subparagraph (A).

(c) RESCREENING.—Subject to section 44901(d)(4)(c) of title 49, United States Code, upon discovery of specific threat intelligence, the Administrator shall immediately direct TSA personnel to rescreen passengers and baggage arriving from an airport outside the United States and identify enhanced measures that should be implemented at that airport.

(d) NOTIFICATION TO CONGRESS.—Not later than 1 day after the date that the Administrator determines that a foreign air carrier is in violation of part 1546 of title 49, Code of Federal Regulations, or any other applicable security requirement, the Administrator shall notify the appropriate committees of Congress.

(e) DECISIONS NOT SUBJECT TO JUDICIAL REVIEW.—Notwithstanding any other provision of law, any decision of the Administrator under subsection (a)(1) relating to consultation or notification shall not be subject to judicial review.

SEC. 2252. TRACKING SECURITY SCREENING EQUIPMENT FROM LAST POINT OF DEPARTURE AIRPORTS.

(a) DONATION OF SCREENING EQUIPMENT TO PROTECT THE UNITED STATES.—Chapter 449 is amended—

(1) in subchapter I, by adding at the end the following:

''§ 44929. Donation of screening equipment to protect the United States

''(a) IN GENERAL.—Subject to subsection (b), the Administrator is authorized to donate security screening equipment to a foreign last point of departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

''(b) CONDITIONS.—Before donating any security screening equipment to a foreign last point of departure airport operator the Administrator shall—

''(1) ensure that the screening equipment has been restored to commercially available settings;

''(2) ensure that no TSA-specific security standards or algorithms exist on the screening equipment; and

''(3) verify that the appropriate officials have an adequate system—

''(A) to properly maintain and operate the screening equipment; and

''(B) to document and track any removal or disposal of the screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

''(c) REPORTS.—Not later than 30 days before any donation of security screening equipment under subsection (a), the Administrator shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed written explanation of the following:

''(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

''(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

''(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.

''(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

''(5) The total dollar value of such donation.

''(6) How the appropriate officials will document and track any removal or disposal of the screening equipment by the recipient to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.''; and

(2) in the table of contents, by inserting after the item relating to section 44928 the following:

''44929. Donation of screening equipment to protect the United States.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3204 of the Aviation Security Act of 2016 (49 U.S.C. 44901 note) and the item relating to that section in the table of contents of that Act are repealed.

(c) RAISING INTERNATIONAL STANDARDS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall collaborate with other aviation authorities and the United States Ambassador or the Charge d'Affaires to the United States Mission to the International Civil Aviation Organization, as applicable, to advance a global standard for each international airport to document and track the removal and disposal of any security screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

SEC. 2253. INTERNATIONAL SECURITY STANDARDS.

(a) GLOBAL AVIATION SECURITY REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the Commissioner of the U.S. Customs and Border Protection, the Director of the Office of International Engagement of the Department of Homeland Security, and the Secretary of State, shall conduct a global aviation security review to improve aviation security standards, including standards intended to mitigate cybersecurity threats, across the global aviation system.

(2) BEST PRACTICES.—The global aviation security review shall establish best practices regarding the following:

(A) Collaborating with foreign partners to improve global aviation security capabilities and standards.

(B) Identifying foreign partners that—

(i) have not successfully implemented security protocols from the International Civil Aviation Organization or the Department of Homeland Security; and

(ii) have not taken steps to implement such security protocols;

(C) Improving the development, outreach, and implementation process for security directives or emergency amendments issued to domestic and foreign air carriers.

(D) Assessing the cybersecurity risk of security screening equipment.

(b) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the United States Ambassador to the International Civil Aviation Organization, shall notify the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives of the progress of the review under subsection (a) and any proposed international improvements to aviation security.

(c) ICAO.—Subject to subsection (a), the Administrator and Ambassador shall take such action at the International Civil Aviation Organization as the Administrator and Ambassador consider necessary to advance aviation security improvement proposals, including if practicable, introducing a resolution to raise minimum standards for aviation security.

(d) BRIEFINGS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, and periodically thereafter, the Administrator, in consultation with the Ambassador with respect to subsection (c), shall brief the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives on the implementation of subsections (a) and (b).

Subtitle E—Cockpit and Cabin Security

SEC. 2261. FEDERAL AIR MARSHAL SERVICE UPDATES.

(a) STANDARDIZATION.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop a standard written agreement that shall be the basis of all negotiations and agreements that begin after the date of enactment of this Act between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States, including deployment, technical assistance, and information sharing.

(2) WRITTEN AGREEMENTS.—Except as provided in paragraph (3), not later than 180 days after the date of enactment of this Act, all agreements between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States shall be in writing and signed by the Administrator or other authorized United States Government representative.

(3) EXCEPTION.—The Administrator may schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect if the Administrator determines that—

(A) such mission is necessary for aviation security; and

(B) the requirements of paragraph (4)(B) are met.

(4) NOTIFICATION TO CONGRESS.—

(A) WRITTEN AGREEMENTS.—Not later than 30 days after the date that the Administrator enters into a written agreement under this section, the Administrator shall transmit to the appropriate committees of Congress a copy of the agreement.

(B) NO WRITTEN AGREEMENTS.—The Administrator shall submit to the appropriate committees of Congress—

(i) not later than 30 days after the date of enactment of this Act, a list of each foreign government or partner that does not have a written agreement under this section, including an explanation for why no written agreement exists and a justification for the determination that such a mission is necessary for aviation security; and

(ii) not later than 30 days after the date that the Administrator makes a determination to schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect under paragraph (3), the name of the applicable foreign government or partner, an explanation for why no written agreement exists, and a justification for the determination that such mission is necessary for aviation security.

(b) MISSION SCHEDULING AUTOMATION.—The Administrator shall endeavor to acquire automated capabilities or technologies for scheduling Federal air marshal service missions based on current risk modeling.

(c) IMPROVING FEDERAL AIR MARSHAL SERVICE DEPLOYMENTS.—

(1) AFTER-ACTION REPORTS.—The Administrator shall strengthen internal controls to ensure that all after-action reports on Federal air marshal service special mission coverage provided to stakeholders include documentation of supervisory review and approval, and mandatory narratives.

(2) STUDY.—The Administrator shall contract with an independent entity to conduct a validation and verification study of the risk analysis and risk-based determinations guiding Federal air marshal service deployment, including the use of risk-based strategies under subsection (d).

(3) COST-BENEFIT ANALYSIS.—The Administrator shall conduct a cost-benefit analysis regarding mitigation of aviation security threats through Federal air marshal service deployment.

(4) PERFORMANCE MEASURES.—The Administrator shall improve existing performance measures to better determine the effectiveness of in-flight operations in addressing the highest risk facing aviation transportation.

(5) LONG DISTANCE FLIGHTS.—Section 44917 is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (d) as subsections (b) through (c), respectively.

(d) USE OF RISK-BASED STRATEGIES.—

(1) IN GENERAL.—Section 44917(a) is amended—

(A) in paragraph (7), by striking ''and'' after the semicolon at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(9) shall require the Federal Air Marshal Service to utilize a risk-based strategy when allocating resources between international and domestic flight coverage, including when initially setting its annual target numbers of average daily international and domestic flights to cover;

''(10) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support domestic allocation decisions;

''(11) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support international allocation decisions; and

''(12) shall ensure that the seating arrangements of Federal air marshals on aircraft are determined in a manner that is risk-based and most capable of responding to current threats to aviation security.''.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Federal Air Marshal Service's compliance with the requirements under paragraphs (9) through (12) of section 44917(a) of title 49, United States Code, as added by this Act, and the documented methodology used by the Federal Air Marshal Service to conduct risk assessments in accordance with such paragraphs.

(3) IMPLEMENTATION DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Administrator shall begin implementing the requirements under paragraphs (9) through (12) of section 44917(a), United States Code, as added by this Act.

SEC. 2262. CREW MEMBER SELF-DEFENSE TRAINING.

The Administrator, in consultation with the Administrator of the Federal Aviation Administration, shall continue to carry out and encourage increased participation by air carrier employees in the voluntary self-defense training program under section 44918(b) of title 49, United States Code.

SEC. 2263. FLIGHT DECK SAFETY AND SECURITY.

(a) THREAT ASSESSMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the Federal Aviation Administration, shall complete a detailed threat assessment to identify any safety or security risks associated with unauthorized access to the flight decks on commercial aircraft and any appropriate measures that should be taken based on the risks.

(b) RTCA REPORT.—The Administrator, in coordination with the Administrator of the Federal Aviation Administration, shall disseminate RTCA Document (DO–329) Aircraft Secondary Barriers and Alternative Flight Deck Security Procedure to aviation stakeholders, including air carriers and flight crew, to convey effective methods and best practices to protect the flight deck.

SEC. 2264. CARRIAGE OF WEAPONS, EXPLOSIVES, AND INCENDIARIES BY INDIVIDUALS.

(a) INTERPRETIVE RULE.—Subject to subsections (b) and (c), the Administrator shall periodically review and amend, as necessary, the interpretive rule (68 Fed. Reg. 7444) that provides guidance to the public on the types of property considered to be weapons, explosives, and incendiaries prohibited under section 1540.111 of title 49, Code of Federal Regulations.

(b) CONSIDERATIONS.—Before determining whether to amend the interpretive rule to include or remove an item from the prohibited list, the Administrator shall—

(1) research and evaluate—

(A) the impact, if any, the amendment would have on security risks;

(B) the impact, if any, the amendment would have on screening operations, including effectiveness and efficiency; and

(C) whether the amendment is consistent with international standards and guidance, including of the International Civil Aviation Organization; and

(2) consult with appropriate aviation security stakeholders, including ASAC.

(c) EXCEPTIONS.—Except for plastic or round bladed butter knives, the Administrator may not amend the interpretive rule described in subsection (a) to authorize any knife to be permitted in an airport sterile area or in the cabin of an aircraft.

(d) NOTIFICATION.—The Administrator shall—

(1) publish in the Federal Register any amendment to the interpretive rule described in subsection (a); and

(2) notify the appropriate committees of Congress of the amendment not later than 3 days before publication under paragraph (1).

SEC. 2265. FEDERAL FLIGHT DECK OFFICER PROGRAM IMPROVEMENTS.

(a) IMPROVED ACCESS TO TRAINING FACILITIES.—Section 44921(c)(2)(C)(ii) is amended—

(1) by striking ''The training of'' and inserting the following:

''(I) IN GENERAL.—The training of'';

(2) in subclause (I), as designated, by striking ''approved by the Under Secretary''; and

(3) by adding at the end the following:

''(II) ACCESS TO TRAINING FACILITIES.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall designate additional firearms training facilities located in various regions of the United States for Federal flight deck officers for recurrent and requalifying training relative to the number of such facilities available on the day before such date of enactment.''.

(b) FIREARMS REQUALIFICATION.—Section 44921(c)(2)(C) is amended—

(1) in clause (iii)—

(A) by striking ''The Under Secretary shall'' and inserting the following:

''(I) IN GENERAL.—The Administrator shall'';

(B) in subclause (I), as designated by subparagraph (A), by striking ''the Under Secretary'' and inserting ''the Administrator''; and

(C) by adding at the end the following:

''(II) USE OF FACILITIES FOR REQUALIFICATION.—The Administrator shall allow a Federal flight deck officer to requalify to carry a firearm under the program through training at a Transportation Security Administration-approved firearms training facility utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.''; and

(2) by adding at the end the following:

''(iv) PERIODIC REVIEW.—The Administrator shall periodically review requalification training intervals and assess whether it is appropriate and sufficient to adjust the time between each requalification training to facilitate continued participation in the program under this section while still maintaining effectiveness of the training, and update the training requirements as appropriate.''.

(c) TRAINING REVIEW.—Section 44921(c)(2) is amended by adding at the end the following:

''(D) TRAINING REVIEW.—The Administrator shall periodically review training requirements for initial and recurrent training for Federal flight deck officers and evaluate how training requirements, including the length of training, could be streamlined while maintaining the effectiveness of the training, and update the training requirements as appropriate.''.

(d) OTHER MEASURES TO FACILITATE TRAINING.—Section 44921(e) is amended—

(1) by striking ''Pilots participating'' and inserting the following:

''(1) IN GENERAL.—Pilots participating''; and

(2) by adding at the end the following:

''(2) FACILITATION OF TRAINING.—An air carrier shall permit a pilot seeking to be deputized as a Federal flight deck officer or a Federal flight deck officer to take a reasonable amount of leave to participate in initial, recurrent, or requalification training, as applicable, for the program. Leave required under this paragraph may be provided without compensation.''.

(e) INTERNATIONAL HARMONIZATION.—Section 44921(f) is amended—

(1) in paragraphs (1) and (3), by striking ''Under Secretary'' and inserting ''Administrator''; and

(2) by adding at the end the following:

''(4) CONSISTENCY WITH FEDERAL AIR MARSHAL PROGRAM.—The Administrator shall harmonize, to the extent practicable, the policies relating to the carriage of firearms on flights in foreign air transportation by Federal flight deck officers with the policies of the Federal air marshal program for carrying firearms on such flights and carrying out the duties of a Federal flight deck officer, notwithstanding Annex 17 of the International Civil Aviation Organization.''.

(f) PHYSICAL STANDARDS.—Section 44921(d)(2) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) in clause (ii), as redesignated, by striking ''Under Secretary's'' and inserting ''Administrator's'';

(3) by striking ''A pilot is'' and inserting the following:

''(A) IN GENERAL.—A pilot is''; and

(4) by adding at the end the following:

''(B) CONSISTENCY WITH REQUIREMENTS FOR CERTAIN MEDICAL CERTIFICATES.—In establishing standards under subparagraph (A)(ii), the Administrator may not establish medical or physical standards for a pilot to become a Federal flight deck officer that are inconsistent with or more stringent than the requirements of the Federal Aviation Administration for the issuance of the required airman medical certificate under part 67 of title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).''.

(g) TRANSFER OF STATUS.—Section 44921(d) is amended by adding at the end the following:

''(5) TRANSFER FROM INACTIVE TO ACTIVE STATUS.—In accordance with any applicable Transportation Security Administration appeals processes, a pilot deputized as a Federal flight deck officer who moves to inactive status may return to active status upon successful completion of a recurrent training program administered within program guidelines.''.

(h) TECHNICAL CORRECTIONS.—Section 44921, as amended by this section, is further amended—

(1) in subsection (a), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''Not later than 3 months after the date of enactment of this section, the Under Secretary'' and inserting ''The Administrator'';

(B) in paragraph (2), by striking ''Beginning 3 months after the date of enactment of this section, the Under Secretary shall begin the process of training and deputizing'' and inserting ''The Administrator shall train and deputize''; and

(C) in paragraph (3)(N), by striking ''Under Secretary's'' and inserting ''Administrator's'';

(3) in subsection (d)(4)—

(A) by striking ''may,'' and inserting ''may''; and

(B) by striking ''Under Secretary's'' and inserting ''Administrator's'';

(4) in subsection (i)(2), by striking ''the Under Secretary may'' and inserting ''may'';

(5) in subsection (k)—

(A) by striking paragraphs (2) and (3); and

(B) by striking ''APPLICABILITY.—'' and all that follows through ''This section'' and inserting ''APPLICABILITY.—This section'';

(6) by adding at the end the following:

''(1) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.

''(2) AIR TRANSPORTATION.—The term 'air transportation' includes all-cargo air transportation.

''(3) FIREARMS TRAINING FACILITY.—The term 'firearms training facility' means a private or government-owned gun range approved by the Administrator to provide recurrent or requalification training, as applicable, for the program, utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.

''(4) PILOT.—The term 'pilot' means an individual who has final authority and responsibility for the operation and safety of the flight or any other flight deck crew member.''; and

(7) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''.

(i) SENSITIVE SECURITY INFORMATION.—Not later than 180 days after the date of enactment of this Act—

(1) the Secretary of Transportation shall revise section 15.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals; and

(2) the Administrator shall revise section 1520.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals.

(j) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall prescribe such regulations as may be necessary to carry out this section and the amendments made by this section.

Subtitle F—Surface Transportation Security

SEC. 2271. SURFACE TRANSPORTATION SECURITY ASSESSMENT AND IMPLEMENTATION OF RISK-BASED STRATEGY.

(a) SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall complete an assessment of the vulnerabilities of and risks to surface transportation systems.

(2) CONSIDERATIONS.—In conducting the security assessment under paragraph (1), the Administrator shall, at a minimum—

(A) consider appropriate intelligence;

(B) consider security breaches and attacks at domestic and international transportation facilities;

(C) consider the vulnerabilities and risks associated with specific modes of surface transportation;

(D) evaluate the vetting and security training of—

(i) employees in surface transportation; and

(ii) other individuals with access to sensitive or secure areas of transportation networks; and

(E) consider input from—

(i) representatives of different modes of surface transportation;

(ii) subject to paragraph (3)—

(I) representatives of maritime transportation;

(II) critical infrastructure entities; and

(III) the Transportation Systems Sector Coordinating Council; and

(iii) the heads of other relevant Federal departments or agencies.

(3) MARITIME FACILITIES.—The Commandant of the Coast Guard shall assess the vulnerabilities of and risks to maritime facilities and ensure the adjacent security responsibilities of the Coast Guard and TSA are coordinated.

(b) RISK-BASED SECURITY STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date the security assessment under subsection (a) is complete, the Administrator shall use the results of the assessment—

(A) to develop and implement a cross-cutting, risk-based security strategy that includes—

(i) all surface transportation modes;

(ii) to the extent the Transportation Security Administration provides support in maritime transportation security efforts, maritime transportation;

(iii) a coordinated strategy with the Commandant of the Coast Guard to ensure adjacent security responsibilities are synchronized;

(iv) a mitigating strategy that aligns with each vulnerability and risk identified in subsection (a);

(v) a planning process to inform resource allocation;

(vi) priorities, milestones, and performance metrics to measure the effectiveness of the risk-based security strategy; and

(vii) processes for sharing relevant and timely intelligence threat information with appropriate stakeholders;

(B) to develop a management oversight strategy that—

(i) identifies the parties responsible for the implementation, management, and oversight of the risk-based security strategy; and

(ii) includes a plan for implementing the risk-based security strategy; and

(C) to modify the risk-based budget and resource allocations, in accordance with section 262(c), for the Transportation Security Administration.

(2) COORDINATED APPROACH.—In developing and implementing the risk-based security strategy under paragraph (1), the Administrator shall—

(A) coordinate with the heads of other relevant Federal departments or agencies, and stakeholders, as appropriate—

(i) to evaluate existing surface transportation security programs, policies, and initiatives, including the explosives detection canine teams, for consistency with the risk-based security strategy and, to the extent practicable, avoid any unnecessary duplication of effort;

(ii) to determine the extent to which stakeholder security programs, policies, and initiatives address the vulnerabilities and risks to surface transportation systems identified in subsection (a); and

(iii) subject to clause (ii), to mitigate each vulnerability and risk to surface transportation systems identified in subsection (a); and

(B) coordinate with the Commandant of the Coast Guard to ensure there are no security gaps between jurisdictional authorities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date the security assessment under subsection (a) is complete, the Administrator shall submit to the appropriate committees of Congress and the Inspector General of the Department a report that—

(A) describes the process used to complete the security assessment;

(B) describes the process used to develop the risk-based security strategy;

(C) describes the risk-based security strategy;

(D) includes the management oversight strategy;

(E) includes—

(i) the findings of the security assessment;

(ii) a description of the actions recommended or taken by the Administrator, the Commandant of the Coast Guard, or the head of another Federal department or agency to mitigate the vulnerabilities and risks identified in subsection (a);

(iii) any recommendations for improving the coordinated approach to mitigating vulnerabilities and risks to surface and maritime transportation systems; and

(iv) any recommended changes to the National Infrastructure Protection Plan, the modal annexes to such plan, or relevant surface or maritime transportation security programs, policies, or initiatives; and

(F) may contain a classified annex.

(2) PROTECTIONS.—In preparing the report, the Administrator shall take appropriate actions to safeguard information described by section 552(b) of title 5, United States Code, or protected from disclosure by any other law of the United States.

(d) UPDATES.—Not less frequently than semiannually, the Administrator shall report to or brief the appropriate committees of Congress on the vulnerabilities of and risks to surface and maritime transportation systems and how those vulnerabilities and risks affect the risk-based security strategy.

SEC. 2272. RISK-BASED BUDGETING AND RESOURCE ALLOCATION.

(a) REPORT.—In conjunction with the submission of the Department's annual budget request to the Office of Management and Budget, the Administrator shall submit to the appropriate committees of Congress a report that describes a risk-based budget and resource allocation plan for surface transportation sectors, within and across modes, that—

(1) reflects the risk-based security strategy under section 2271(b); and

(2) is organized by appropriations account, program, project, and initiative.

(b) BUDGET TRANSPARENCY.—In submitting the annual budget of the United States Government under section 1105 of title 31, United States Code, the President shall clearly distinguish the resources requested for surface transportation security from the resources requested for aviation security.

(c) RESOURCE REALLOCATION.—

(1) IN GENERAL.—Not later than 15 days after the date on which the Transportation Security Administration allocates any resources or personnel, including personnel sharing, detailing, or assignment, or the use of facilities, technology systems, or vetting resources, for a nontransportation security purpose or National Special Security Event (as defined in section 2001 of Homeland Security Act of 2002 (6 U.S.C. 601)), the Secretary shall provide the notification described in paragraph (2) to the appropriate committees of Congress.

(2) NOTIFICATION.—A notification described in this paragraph shall include—

(A) the reason for and a justification of the resource or personnel allocation;

(B) the expected end date of the resource or personnel allocation; and

(C) the projected cost to the Transportation Security Administration of the personnel or resource allocation.

(d) 5-YEAR CAPITAL INVESTMENT PLAN.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a 5-year capital investment plan, consistent with the 5-year technology investment plan under section 1611 of title XVI of the Homeland Security Act of 2002, as amended by section 3 of the Transportation Security Acquisition Reform Act (Public Law 113–245; 128 Stat. 2871).

SEC. 2273. SURFACE TRANSPORTATION SECURITY MANAGEMENT AND INTERAGENCY COORDINATION REVIEW.

(a) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the staffing, budget, resource, and personnel allocation, and management oversight strategy of the Transportation Security Administration's surface transportation security programs;

(2) review the coordination between relevant entities of leadership, planning, policy, inspections, and implementation of security programs relating to surface and maritime transportation to reduce redundancy and regulatory burden; and

(3) submit to the appropriate committees of Congress a report on the findings of the reviews under paragraphs (1) and (2), including any recommendations for improving coordination between relevant entities and reducing redundancy and regulatory burden.

(b) DEFINITION OF RELEVANT ENTITIES.—In this section, the term ''relevant entities'' means—

(1) the Transportation Security Administration;

(2) the Coast Guard;

(3) other Federal, State, or local departments or agencies with jurisdiction over a mode of surface or maritime transportation;

(4) critical infrastructure entities;

(5) the Transportation Systems Sector Coordinating Council; and

(6) relevant stakeholders.

SEC. 2274. TRANSPARENCY.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every 180 days thereafter, the Administrator shall publish on a public website information regarding the status of each regulation relating to surface transportation security that is directed by law to be issued and that has not been issued if not less than 2 years have passed since the date of enactment of the law.

(2) CONTENTS.—The information published under paragraph (1) shall include—

(A) an updated rulemaking schedule for the outstanding regulation;

(B) current staff allocations;

(C) data collection or research relating to the development of the rulemaking;

(D) current efforts, if any, with security experts, advisory committees, and other stakeholders; and

(E) other relevant details associated with the development of the rulemaking that impact the progress of the rulemaking.

(b) INSPECTOR GENERAL REVIEW.—Not later than 180 days after the date of enactment of this Act, and every 2 years thereafter until all of the requirements under titles XIII, XIV, and XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et seq.) and under this Act have been fully implemented, the Inspector

General of the Department shall submit to the appropriate committees of Congress a report that—

(1) identifies the requirements under such titles of that Act and under this Act that have not been fully implemented;

(2) describes what, if any, additional action is necessary; and

(3) includes recommendations regarding whether any of the requirements under such titles of that Act or this Act should be amended or repealed.

SEC. 2275. TSA COUNTERTERRORISM ASSET DEPLOYMENT.

(a) IN GENERAL.—If the Transportation Security Administration deploys any counterterrorism personnel or resource, such as explosive detection sweeps, random bag inspections, or patrols by Visible Intermodal Prevention and Response teams, to enhance security at a transportation system or transportation facility for a period of not less than 180 consecutive days, the Administrator shall provide sufficient notification to the system or facility operator, as applicable, not less than 14 days prior to terminating the deployment.

(b) EXCEPTION.—This section shall not apply if the Administrator—

(1) determines there is an urgent security need for the personnel or resource described in subsection (a); and

(2) notifies the appropriate committees of Congress of the determination under paragraph (1).

SEC. 2276. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

"SEC. 404. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—The Administrator of the Transportation Security Administration (referred to in this section as 'Administrator') shall establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—

''(1) IN GENERAL.—The Advisory Committee may advise, consult with, report to, and make recommendations to the Administrator on surface transportation security matters, including the development, refinement, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.

''(2) RISK-BASED SECURITY.—The Advisory Committee shall consider risk-based security approaches in the performance of its duties.

''(c) MEMBERSHIP.—

''(1) COMPOSITION.—The Advisory Committee shall be composed of—

''(A) voting members appointed by the Administrator under paragraph (2); and

''(B) nonvoting members, serving in an advisory capacity, who shall be designated by—

''(i) the Transportation Security Administration;

''(ii) the Department of Transportation;

''(iii) the Coast Guard; and

''(iv) such other Federal department or agency as the Administrator considers appropriate.

''(2) APPOINTMENT.—The Administrator shall appoint voting members from among stakeholders representing each mode of surface transportation, such as passenger rail, freight rail, mass transit, pipelines, highways, over-the-road bus, school bus industry, and trucking, including representatives from—

''(A) associations representing such modes of surface transportation;

''(B) labor organizations representing such modes of surface transportation;

''(C) groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;

''(D) relevant law enforcement, first responders, and security experts; and

''(E) such other groups as the Administrator considers appropriate.

''(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its voting members.

''(4) TERM OF OFFICE.—

''(A) TERMS.—

''(i) IN GENERAL.—The term of each voting member of the Advisory Committee shall be 2 years, but a voting member may continue to serve until the Administrator appoints a successor.

''(ii) REAPPOINTMENT.—A voting member of the Advisory Committee may be reappointed.

''(B) REMOVAL.—

''(i) IN GENERAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

''(ii) ACCESS TO INFORMATION.—The Administrator may remove any member of the Advisory Committee that the Administrator determines should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

''(5) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive any compensation from the Government by reason of their service on the Advisory Committee.

''(6) MEETINGS.—

''(A) IN GENERAL.—The Administrator shall require the Advisory Committee to meet at least semiannually in person or through web conferencing and may convene additional meetings as necessary.

''(B) PUBLIC MEETINGS.—At least 1 of the meetings of the Advisory Committee each year shall be—

''(i) announced in the Federal Register;

''(ii) announced on a public website; and

''(iii) open to the public.

''(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

''(D) MINUTES.—

''(i) IN GENERAL.—Unless otherwise prohibited by other Federal law, minutes of the meetings shall be published on the public website under subsection (e)(5).

''(ii) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Advisory Committee may redact or summarize, as necessary, minutes of the meetings to protect classified or other sensitive information in accordance with law.

''(7) VOTING MEMBER ACCESS TO CLASSIFIED AND SENSITIVE SECURITY INFORMATION.—

''(A) DETERMINATIONS.—Not later than 60 days after the date on which a voting member is appointed to the Advisory Committee and before that voting member may be granted any access to classified information or sensitive security information, the Administrator shall determine if the voting member should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

''(B) ACCESS.—

''(i) SENSITIVE SECURITY INFORMATION.—If a voting member is not restricted from reviewing, discussing, or possessing sensitive security information under subparagraph (A) and voluntarily signs a nondisclosure agreement, the voting member may be granted access to sensitive security information that is relevant to the voting member's service on the Advisory Committee.

''(ii) CLASSIFIED INFORMATION.—Access to classified materials shall be managed in accordance with Executive Order 13526 of December 29, 2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive order.

''(C) PROTECTIONS.—

''(i) SENSITIVE SECURITY INFORMATION.—Voting members shall protect sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

''(ii) CLASSIFIED INFORMATION.—Voting members shall protect classified information in accordance with the applicable requirements for the particular level of classification.

''(8) JOINT COMMITTEE MEETINGS.—The Advisory Committee may meet with 1 or more of the following advisory committees to discuss multimodal security issues and other security-related issues of common concern:

''(A) Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

''(B) Maritime Security Advisory Committee established under section 70112 of title 46, United States Code.

''(C) Railroad Safety Advisory Committee established by the Federal Railroad Administration.

''(9) SUBJECT MATTER EXPERTS.—The Advisory Committee may request the assistance of subject matter experts with expertise related to the jurisdiction of the Advisory Committee.

''(d) REPORTS.—

''(1) PERIODIC REPORTS.—The Advisory Committee shall periodically submit reports to the Administrator on matters requested by the Administrator or by a majority of the members of the Advisory Committee.

''(2) ANNUAL REPORT.—

''(A) SUBMISSION.—The Advisory Committee shall submit to the Administrator and the appropriate congressional committees an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year.

''(B) PUBLICATION.—Not later than 6 months after the date that the Administrator receives an annual report under subparagraph (A), the Administrator shall publish a public version of the report, in accordance with section 552a(b) of title 5, United States Code.

''(e) ADMINISTRATION RESPONSE.—

''(1) CONSIDERATION.—The Administrator shall consider the information, advice, and recommendations of the Advisory Committee in formulating policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security and to the support of maritime transportation security efforts.

''(2) FEEDBACK.—Not later than 90 days after the date that the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2), the Administrator shall submit to the Advisory Committee written feedback on the recommendation, including—

''(A) if the Administrator agrees with the recommendation, a plan describing the actions that the Administrator has taken, will take, or recommends that the head of another Federal department or agency take to implement the recommendation; or

''(B) if the Administrator disagrees with the recommendation, a justification for that determination.

''(3) NOTICES.—Not later than 30 days after the date the Administrator submits feedback under paragraph (2), the Administrator shall—

''(A) notify the appropriate congressional committees of the feedback, including the determination under subparagraph (A) or subparagraph (B) of that paragraph, as applicable; and

''(B) provide the appropriate congressional committees with a briefing upon request.

''(4) UPDATES.—Not later than 90 days after the date the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2) that the Administrator agrees with, and quarterly thereafter until the recommendation is fully implemented, the Administrator shall submit a report to the appropriate congressional committees or post on the public website under paragraph (5) an update on the status of the recommendation.

''(5) WEBSITE.—The Administrator shall maintain a public website that—

''(A) lists the members of the Advisory Committee; and

''(B) provides the contact information for the Advisory Committee.

''(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or any subcommittee established under this section.''.

(b) ADVISORY COMMITTEE MEMBERS.—

(1) VOTING MEMBERS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall appoint the voting members of the Surface Transportation Security Advisory Committee established under section 404 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

(2) NONVOTING MEMBERS.—Not later than 90 days after the date of enactment of this Act, each Federal Government department and agency with regulatory authority over a mode of surface or maritime transportation, as the Administrator considers appropriate, shall designate an appropriate representative to serve as a nonvoting member of the Surface Transportation Security Advisory Committee.

(c) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 403 the following:

''Sec. 404. Surface Transportation Security Advisory Committee.''.

SEC. 2277. REVIEW OF THE EXPLOSIVES DETECTION CANINE TEAM PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date that the Inspector General of the Department receives the report under section 2271(c), the Inspector General of the Department shall—

(1) review the explosives detection canine team program, including—

(A) the development by the Transportation Security Administration of a deployment strategy for explosives detection canine teams;

(B) the national explosives detection canine team training program, including canine training, handler training, refresher training, and updates to such training;

(C) the use of the canine assets during an urgent security need, including the reallocation of such program resources outside the transportation systems sector during an urgent security need; and

(D) the monitoring and tracking of canine assets; and

(2) submit to the appropriate committees of Congress a report on the review, including any recommendations.

(b) CONSIDERATIONS.—In conducting the review of the deployment strategy under subsection (a)(1)(A), the Inspector General shall consider whether the Transportation Security Administration's method to analyze the risk to transportation facilities and transportation systems is appropriate.

SEC. 2278. EXPANSION OF NATIONAL EXPLOSIVES DETECTION CANINE TEAM PROGRAM.

(a) IN GENERAL.—The Secretary, where appropriate, shall encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of explosives detection canine teams.

(b) INCREASED CAPACITY.—

(1) IN GENERAL.—Before the date the Inspector General of the Department submits the report under section 2277, the Administrator may increase the number of State and local surface and maritime transportation canines by not more than 70 explosives detection canine teams.

(2) ADDITIONAL TEAMS.—Beginning on the date the Inspector General of the Department submits the report under section 2277, the Secretary may increase the State and local surface and maritime transportation canines up to 200 explosives detection canine teams unless more are identified in the risk-based security strategy under section 2271, consistent with section 2272 or with the President's most recent budget submitted under section 1105 of title 31, United States Code.

(3) RECOMMENDATIONS.—Before initiating any increase in the number of explosives detection teams under paragraph (2), the Secretary shall consider any recommendations in the report under section 2277 on the efficacy and management of the explosives detection canine program.

(c) DEPLOYMENT.—The Secretary shall—

(1) use the additional explosives detection canine teams, as described in subsection (b)(1), as part of the Department's efforts to strengthen security across the Nation's surface and maritime transportation networks;

(2) make available explosives detection canine teams to all modes of transportation, subject to the requirements under section 2275, to address specific vulnerabilities or risks, on an as-needed basis and as otherwise determined appropriate by the Secretary; and

(3) consider specific needs and training requirements for explosives detection canine teams to be deployed across the Nation's surface and maritime transportation networks, including in venues of multiple modes of transportation, as the Secretary considers appropriate.

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for each of fiscal years 2019 through 2021.

SEC. 2279. STUDY ON SECURITY STANDARDS AND BEST PRACTICES FOR PASSENGER TRANSPORTATION SYSTEMS.

(a) SECURITY STANDARDS AND BEST PRACTICES FOR UNITED STATES AND FOREIGN PASSENGER TRANSPORTATION SYSTEMS.—The Comptroller General of the United States shall conduct a study of how the Transportation Security Administration—

(1) identifies and compares—

(A) United States and foreign passenger transportation security standards; and

(B) best practices for protecting passenger transportation systems, including shared terminal facilities, and cyber systems; and

(2) disseminates the findings under paragraph (1) to stakeholders.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall issue a report that contains—

(1) the findings of the study conducted under subsection (a); and

(2) any recommendations for improving the relevant processes or procedures.

SEC. 2280. AMTRAK SECURITY UPGRADES.

(a) RAILROAD SECURITY ASSISTANCE.—Section 1513(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1163(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting '', including communications interoperability where appropriate with relevant outside agencies and entities.'';

(2) in paragraph (5), by striking ''security of'' and inserting ''security and preparedness of'';

(3) in paragraph (7), by striking ''security threats'' and inserting ''security threats and preparedness, including connectivity to the National Terrorist Screening Center''; and

(4) in paragraph (9), by striking ''and security officers'' and inserting '', security, and preparedness officers''.

(b) SPECIFIC PROJECTS.—Section 1514(a)(3) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1164(a)(3)) is amended—

(1) in subparagraph (D) by inserting '', or to connect to the National Terrorism Screening Center watchlist'' after ''Secretary'';

(2) in subparagraph (G), by striking ''; and'' at the end and inserting a semicolon;

(3) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(I) for improvements to passenger verification systems;

''(J) for improvements to employee and contractor verification systems, including identity verification technology; or

''(K) for improvements to the security of Amtrak computer systems, including cybersecurity assessments and programs.''.

SEC. 2281. PASSENGER RAIL VETTING.

(a) IN GENERAL.—Not later than 180 days after the date on which the Amtrak Board of Directors submits a request to the Administrator, the Administrator shall issue a decision on the use by Amtrak of the Transportation Security Administration's Secure Flight Program or a similar passenger vetting system to enhance passenger rail security.

(b) STRATEGIC PLAN.—If the Administrator decides to grant the request by Amtrak under subsection (a), the decision shall include a strategic plan for working with rail stakeholders to enhance passenger rail security by vetting passengers using terrorist watch lists maintained by the Federal Government or a similar passenger vetting system maintained by the Transportation Security Administration.

(c) NOTICES.—The Administrator shall notify the appropriate committees of Congress of any decision made under subsection (a) and the details of the strategic plan under subsection (b).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the Administrator's authority to set the access to, or terms and conditions of using, the Secure Flight Program or a similar passenger vetting system.

SEC. 2282. STUDY ON SURFACE TRANSPORTATION INSPECTORS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that—

(1) identifies the roles and responsibilities of surface transportation security inspectors authorized under section 1304 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1113);

(2) determines whether surface transportation security inspectors—

(A) have appropriate qualifications to help secure and inspect surface transportation systems; and

(B) have adequate experience and training to perform the responsibilities identified under paragraph (1);

(3) evaluates feedback from surface transportation industry stakeholders on the effectiveness of surface transportation security inspectors and inspection programs to the overall security of the surface transportation systems of such stakeholders;

(4) evaluates the consistency of surface transportation inspections, recommendations, and regulatory enforcement, where applicable;

(5) identifies any duplication or redundancy between the Transportation Security Administration and the Department of Transportation relating to surface transportation security inspections or oversight; and

(6) provides recommendations, if any, relating to—

(A) improvements to the surface transportation security inspectors program, including—

(i) changes in organizational and supervisory structures;

(ii) coordination procedures to enhance consistency; and

(iii) effectiveness in inspection and compliance activities; and

(B) whether each transportation mode needs inspectors trained and qualified for that specific mode.

SEC. 2283. SECURITY AWARENESS PROGRAM.

(a) ESTABLISHMENT.—The Administrator shall establish a program to promote surface transportation security through the training of surface transportation operators and frontline employees on each of the skills identified in subsection (c).

(b) APPLICATION.—The program established under subsection (a) shall apply to all modes of surface transportation, including public transportation, rail, highway, motor carrier, and pipeline.

(c) TRAINING.—The program established under subsection (a) shall cover, at a minimum, the skills necessary to recognize, assess, and respond to suspicious items or actions that could indicate a threat to transportation.

(d) ASSESSMENT.—

(1) IN GENERAL.—The Administrator shall conduct an assessment of current training programs for surface transportation operators and frontline employees.

(2) CONTENTS.—The assessment shall identify—

(A) whether other training is being provided, either voluntarily or in response to other Federal requirements; and

(B) whether there are any gaps in existing training.

(e) UPDATES.—The Administrator shall ensure the program established under subsection (a) is updated as necessary to address changes in risk and terrorist methods and to close any gaps identified in the assessment under subsection (d).

(f) SUSPICIOUS ACTIVITY REPORTING.—

(1) IN GENERAL.—The Administrator shall maintain a national telephone number for an individual to use to report suspicious activity under this section to the Administration.

(2) PROCEDURES.—The Administrator shall establish procedures for the Administration—

(A) to review and follow-up, as necessary, on each report received under paragraph (1); and

(B) to share, as necessary and in accordance with law, the report with appropriate Federal, State, local, and tribal entities.

(3) RULE OF CONSTRUCTION.—Nothing in this section may be construed to replace or affect in any way the use of 9–1–1 services in an emergency.

(g) DEFINITION OF FRONTLINE EMPLOYEE.—In this section, the term ''frontline employee'' includes—

(1) an employee of a public transportation agency who is a transit vehicle driver or operator, dispatcher, maintenance and maintenance support employee, station attendant, customer service employee, security employee, or transit police, or any other employee who has direct contact with riders on a regular basis, and any other employee of a public transportation agency that the Administrator determines should receive security training under this section or that is receiving security training under other law;

(2) over-the-road bus drivers, security personnel, dispatchers, maintenance and maintenance support personnel, ticket agents, other terminal employees, and other employees of an over-the-road bus operator or terminal owner or operator that the Administrator determines should receive security training under this section or that is receiving security training under other law; or

(3) security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, and any other employees of railroad carriers that the Administrator determines should receive security training under this section or that is receiving security training under other law.

SEC. 2284. VOLUNTARY USE OF CREDENTIALING.

(a) IN GENERAL.—An individual who is subject to credentialing or a background investigation may satisfy that requirement by obtaining a valid transportation security card issued under section 70105 of title 46, United States Code.

(b) ISSUANCE OF CARDS.—The Secretary of Homeland Security—

(1) shall expand the transportation security card program, consistent with section 70105 of title 46, United States Code, to allow an individual who is subject to credentialing or a background investigation to apply for a transportation security card; and

(2) may charge reasonable fees, in accordance with section 520(a) of the Department of Homeland Security Appropriations Act, 2004 (6 U.S.C. 469(a)), for providing the necessary credentialing and background investigation.

(c) VETTING.—The Administrator shall utilize, in addition to any background check required for initial issue, the Federal Bureau of Investigation's Rap Back Service and other vetting tools as appropriate, including the No-Fly and Selectee lists, to get immediate notification of any criminal activity relating to any person with a valid transportation security card.

(d) DEFINITION.—In this section, the term ''individual who is subject to credentialing or a background investigation'' means an individual who—

(1) because of employment is regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard and is required to have a background records check to obtain a hazardous materials endorsement on a commercial driver's license issued by a State under section 5103a of title 49, United States Code; or

(2) is required to have a credential and background records check under section 2102(d)(2) of the Homeland Security Act of 2002 (6 U.S.C. 622(d)(2)) at a facility with activities that are regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard.

SEC. 2285. BACKGROUND RECORDS CHECKS FOR ISSUANCE OF HAZMAT LICENSES.

Section 5103a(d) is amended by adding at the end the following:

''(3) TRANSPORTATION SECURITY CARDS.—An individual who holds a valid transportation security card issued by the Secretary of the department in which the Coast Guard is operating under section 70105 of title 46 shall be deemed to have met the background records check required under this subsection.''.

SEC. 2286. CARGO CONTAINER SCANNING TECHNOLOGY REVIEW.

(a) DESIGNATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less frequently than once every 5 years thereafter until the date of full-scale implementation of 100 percent screening of cargo containers and 100 percent scanning of high-risk containers required under section 232 of the SAFE Port Act (6 U.S.C. 982), the Secretary shall solicit proposals for scanning technologies, consistent with the standards under subsection (b)(8) of that section, to improve scanning of cargo at domestic ports.

(2) EVALUATION.—In soliciting proposals under paragraph (1), the Secretary shall establish measures to assess the performance of the proposed scanning technologies, including—

(A) the rate of false positives;

(B) the delays in processing times; and

(C) the impact on the supply chain.

(b) PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary may establish a pilot program to determine the efficacy of a scanning technology referred to in subsection (a).

(2) APPLICATION PROCESS.—In carrying out the pilot program under this subsection, the Secretary shall—

(A) solicit applications from domestic ports;

(B) select up to 4 domestic ports to participate in the pilot program; and

(C) select ports with unique features and differing levels of trade volume.

(3) REPORT.—Not later than 1 year after initiating a pilot program under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report on the pilot program, including—

(A) an evaluation of the scanning technologies proposed to improve security at domestic ports and to meet the full-scale implementation requirement;

(B) the costs to implement a pilot program;

(C) the benefits of the proposed scanning technologies;

(D) the impact of the pilot program on the supply chain; and

(E) recommendations for implementation of advanced cargo scanning technologies at domestic ports.

(4) SHARING PILOT PROGRAM TESTING RESULTS.—The results of the pilot testing of advanced cargo scanning technologies shall be shared, as appropriate, with government agencies and private stakeholders whose responsibilities encompass the secure transport of cargo.

SEC. 2287. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TRANSPORTATION SECURITY ADMINISTRATION.—Section 114 is amended by redesignating subsections (u), (v), and (w) as subsections (t), (u), and (v), respectively.

(b) TRANSPORTATION SECURITY STRATEGIC PLANNING.—Section 114(s)(3)(B) is amended by striking ''2007'' and inserting ''2007)''.

(c) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—Section 1203(b)(1)(B) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (49 U.S.C. 114 note) is amended by striking '', under section 114(u)(7) of title 49, United States Code, as added by this section, or otherwise,''.

TITLE III—MARITIME SECURITY

SEC. 2301. COORDINATION WITH TSA ON MARITIME FACILITIES.

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess the vulnerabilities of and risks to maritime facilities to ensure

the adjacent security responsibilities of the Coast Guard and TSA are coordinated.

(b) REQUIREMENTS.—In carrying out the requirements under subsection (a), the Commandant shall—

(1) provide the TSA with any results from an evaluation threats to the maritime transportation system and effectiveness of existing maritime transportation security programs, policies, and initiatives for input into the development of the risk-based security strategy in section 2271 and, to the extent practicable, avoid any unnecessary duplication of effort;

(2) ensure there are no security gaps between jurisdictional authorities that a threat can exploit to cause harm;

(3) determine the extent to which stakeholder security programs, policies, and initiatives address the vulnerabilities and risks to maritime transportation systems identified in subsection (a); and

(4) subject to paragraphs (2) and (3), mitigate each vulnerability and risk to maritime transportation systems identified in subsection (a).

SEC. 2302. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

Section 201 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 941) is amended—

(1) in subsection (a), by striking ''as appropriate'' and inserting ''triennially''; and

(2) in subsection (g)—

(A) in the heading, by striking ''REPORT'' and inserting ''REPORTS''; and

(B) by amending paragraph (2) to read as follows:

''(2) UPDATES.—Not later than 270 days after the date of enactment of the TSA Modernization Act and triennially thereafter, the Secretary shall submit to the appropriate congressional committees a report that contains any updates to the strategic plan under subsection (a) since the prior report.''.

SEC. 2303. CYBERSECURITY INFORMATION SHARING AND COORDINATION IN PORTS.

(a) MARITIME CYBERSECURITY RISK ASSESSMENT MODEL.—The Secretary of Homeland Security, through the Commandant of the Coast Guard shall—

(1) not later than 1 year after the date of enactment of this Act, coordinate with the National Maritime Security Advisory Committee, the Area Maritime Security Advisory Committees, and other maritime stakeholders, as necessary, to develop and implement a maritime cybersecurity risk assessment model, consistent with the activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)), to evaluate current and future cybersecurity risks that have the potential to affect the marine transportation system or that would cause a transportation security incident (as defined in section 70101 of title 46, United States Code) in ports; and

(2) not less than biennially thereafter, evaluate the effectiveness of the cybersecurity risk assessment model established under paragraph (1).

(b) PORT SECURITY; DEFINITIONS.—Section 70101 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) The term 'cybersecurity risk' means the extent to which a technology asset is vulnerable to information, information systems, or operational technology being lost, destroyed, or other adverse impact on the security, availability, confidentiality, integrity, or functionality, as applicable, of that information, information system, or operational technology.''.

(c) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

(1) FUNCTIONS.—Section 70112(a)(1)(A) of title 46, United States Code, is amended by inserting before the semicolon the following: '', including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—

''(i) State, local, and tribal governments;

''(ii) relevant public safety and emergency response agencies;

''(iii) relevant law enforcement and security organizations;

''(iv) maritime industry;

''(v) port owners and operators; and

''(vi) terminal owners and operators;''.

(2) INFORMATION SHARING.—The Commandant of the Coast Guard shall—

(A) ensure there is a process for each Area Maritime Security Advisory Committee established under section 70112 of title 46, United States Code—

(i) to facilitate the sharing of information related to cybersecurity risks that may cause transportation security incidents;

(ii) to timely report transportation security incidents to the national level; and

(iii) to disseminate such reports across the entire maritime transportation system; and

(B) issue voluntary guidance for the management of such cybersecurity risks in each Area Maritime Transportation Security Plan and facility security plan required under section 70103 of title 46, United States Code, approved after the date that the cybersecurity risk assessment model is developed under subsection (a) of this section.

(d) VULNERABILITY ASSESSMENTS AND SECURITY PLANS.—

(1) FACILITY AND VESSEL ASSESSMENTS.—Section 70102(b)(1) of title 46, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking ''and by not later than December 31, 2004''; and

(B) in subparagraph (C), by inserting ''security against cybersecurity risks,'' after ''physical security,''.

(2) MARITIME TRANSPORTATION SECURITY PLANS.—Section 70103 of title 46, United States Code, is amended—

(A) in subsection (a)(1), by striking ''Not later than April 1, 2005, the'' and inserting ''The'';

(B) in subsection (a)(2), by adding at the end the following:

''(K) A plan to detect, respond to, and recover from cybersecurity risks that may cause transportation security incidents.'';

(C) in subsection (b)(2)—

(i) in subparagraph (G)(ii), by striking ''; and'' and inserting a semicolon;

(ii) by redesignating subparagraph (H) as subparagraph (I); and

(iii) by inserting after subparagraph (G) the following:

''(H) include a plan for detecting, responding to, and recovering from cybersecurity risks that may cause transportation security incidents; and''; and

(D) in subsection (c)(3)(C)—

(i) in clause (iv), by striking ''; and'' and inserting a semicolon;

(ii) by redesignating clause (v) as clause (vi); and

(iii) by inserting after clause (iv) the following:

''(v) detecting, responding to, and recovering from cybersecurity risks that may cause transportation security incidents; and''.

(3) APPLICABILITY.—The amendments made by this subsection shall apply to assessments or security plans, or updates to such assessments or plans, submitted after the date that the cybersecurity risk assessment model is developed under subsection (a).

(e) BRIEF TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall provide to the appropriate committees of Congress a briefing on how the Coast Guard will assist in security and response in the port environment when a cyber-caused transportation security incident occurs, to include the use of cyber protection teams.

SEC. 2304. FACILITY INSPECTION INTERVALS.

Section 70103(c)(4)(D) of title 46, United States Code, is amended to read as follows:

''(D) subject to the availability of appropriations, periodically, but not less than one time per year, conduct a risk-based, no notice facility inspection to verify the effectiveness of each such facility security plan.''.

SEC. 2305. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN .

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 434. MARITIME OPERATIONS COORDINATION PLAN.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the TSA Modernization Act, and biennially thereafter, the Secretary shall—

''(1) update the Maritime Operations Coordination Plan, published by the Department on July 7, 2011, to strengthen coordination, planning, information sharing, and intelligence integration for maritime operations of components and offices of the Department with responsibility for maritime security missions; and

''(2) submit each update to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

''(b) CONTENTS.—Each update shall address the following:

''(1) Coordinating the planning, integration of maritime operations, and development of joint maritime domain awareness efforts of any component or office of the Department with responsibility for maritime security missions.

''(2) Maintaining effective information sharing and, as appropriate, intelligence integration, with Federal, State, and local officials and the private sector, regarding threats to maritime security.

''(3) Cooperating and coordinating with Federal departments and agencies, and State and local agencies, in the maritime environment, in support of maritime security missions.

''(4) Highlighting the work completed within the context of other national and Department maritime security strategic guidance and how that work fits with the Maritime Operations Coordination Plan.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2136) is amended by adding after the item relating to section 433 the following:

''434. Maritime operations coordination plan.''.

SEC. 2306. EVALUATION OF COAST GUARD DEPLOYABLE SPECIALIZED FORCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland

Security of the House of Representatives a report on the state of the Coast Guard's Deployable Specialized Forces (referred to in this section as DSF).

(b) CONTENTS.—The report shall include, at a minimum, the following:

(1) For each of the past 3 fiscal years, and for each type of DSF, the following:

(A) A cost analysis, including training, operating, and travel costs.

(B) The number of personnel assigned.

(C) The total number of units.

(D) The total number of operations conducted.

(E) The number of operations requested by each of the following:

(i) Coast Guard.

(ii) Other components or offices of the Department of Homeland Security.

(iii) Other Federal departments or agencies.

(iv) State agencies.

(v) Local agencies.

(F) The number of operations fulfilled in support of each entity described in clauses (i) through (v) of subparagraph (E).

(2) An examination of alternative distributions of deployable specialized forces, including the feasibility, cost (including cost savings), and impact on mission capability of such distributions, including at a minimum the following:

(A) Combining deployable specialized forces, primarily focused on counterdrug operations, under one centralized command.

(B) Distributing counter-terrorism and anti-terrorism capabilities to deployable specialized forces in each major United States port.

(c) DEFINITION OF DEPLOYABLE SPECIALIZED FORCES OR DSF.—In this section, the term ''deployable specialized forces'' or ''DSF'' means the deployable specialized forces established section 70106 of title 46, United States Code.

SEC. 2307. REPEAL OF INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY AND SECURE SYSTEMS OF TRANSPORTATION.

(a) INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Section 70107A of title 46, United States Code, is repealed.

(b) SECURE SYSTEMS OF TRANSPORTATION.—Section 70116 of title 46, United States Code, is repealed.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents for chapter 701 of title 46, United States Code, is amended by striking the items relating to sections 70107A and 70116.

(2) REPORT REQUIREMENT.—Section 108 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1893) is amended by striking subsection (b) (46 U.S.C. 70107A note) and inserting the following:

''(b) [Reserved].''.

SEC. 2308. DUPLICATION OF EFFORTS IN THE MARITIME DOMAIN.

(a) GAO ANALYSIS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct an analysis of all operations in the applicable location of—

(A) the Air and Marine Operations of the U.S. Customs and Border Protection; and

(B) any other agency of the Department of Homeland Security that operates air and marine assets;

(2) in conducting the analysis under paragraph (1)—

(A) determine whether any duplicative operations are occurring among the agencies described in paragraph (1);

(B) examine the extent to which the Air and Marine Operations is synchronizing and deconflicting any duplicative flight hours or patrols with the agencies described in paragraph (1)(B);

(C) include a sector-by-sector analysis of any potential costs savings that would be derived through greater coordination of flight hours and patrols; and

(D) examine whether co-locating personnel from the agencies described in paragraph (1) would enhance cooperation among those agencies; and

(3) submit to the Secretary of Homeland Security and the appropriate committees of Congress a report on the analysis, including any recommendations.

(b) DHS REPORT.—Not later than 180 days after the date the report is submitted under subsection (a)(3), the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on what actions the Secretary plans to take in response to the findings of the analysis and recommendations of the Comptroller General.

(c) DEFINITION OF APPLICABLE LOCATION.—In this section, the term ''applicable location'' means any location in which the Air and Marine Operations of the U.S. Customs and Border Protection is based within 45 miles of a location in which any other agency of the Department of Homeland Security also operates air and marine assets.

SEC. 2309. MARITIME SECURITY CAPABILITIES ASSESSMENTS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), as amended by section 2305 of this Act, is further amended by adding at the end the following:

''SEC. 435. MARITIME SECURITY CAPABILITIES ASSESSMENTS.

''Not later than 180 days after the date of enactment of the TSA Modernization Act, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives, an assessment of the number and type of maritime assets and the number of personnel required to increase the Department's maritime response rate pursuant to section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223).''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2136), as amended by section 2305 of this Act, is further amended by adding after the item relating to section 434 the following:

''435. Maritime security capabilities assessments.''.

SEC. 2310. CONTAINER SECURITY INITIATIVE.

Section 205(1) of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1)—

(A) by striking ''(1) IN GENERAL.—Not later than September 30, 2007,'' and inserting ''Not later than 270 days after the date of enactment of the TSA Modernization Act,''; and

(B) by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively.

SEC. 2311. MARITIME BORDER SECURITY COOPERATION.

The Secretary of the department in which the Coast Guard is operating shall, in accordance with law—

(1) partner with other Federal, State, and local government agencies to leverage existing technology, including existing sensor and camera systems and other sensors, in place along the maritime border on the date of enactment of this Act to provide continuous monitoring of the high-risk maritime borders, as determined by the Secretary; and

(2) enter into such agreements as the Secretary considers necessary to ensure 24-hour monitoring of the technology described in paragraph (1).

SEC. 2312. TECHNICAL AND CONFORMING AMENDMENTS.

(a) STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.—Section 105 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1891) and the item relating to that section in the table of contents for that Act are repealed.

(b) DOMESTIC RADIATION DETECTION AND IMAGING.—Section 121 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 921)—

(1) by striking subsections (c), (d), and (e);

(2) redesignating subsections (f), (g), (h), and (i) as subsections (c), (d), (e), and (f), respectively; and

(3) in subsection (e)(1)(B), as redesignated, by striking ''(and updating, if any, of that strategy under subsection (c))''.

(c) INSPECTION OF CAR FERRIES ENTERING FROM ABROAD.—Section 122 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 922) and the item relating to that section in the table of contents for that Act are repealed.

(d) REPORT ON ARRIVAL AND DEPARTURE MANIFEST FOR CERTAIN COMMERCIAL VESSELS IN THE UNITED STATES VIRGIN ISLANDS.—Section 127 of the Security and Accountability for Every Port Act of 2006 (120 Stat. 1900) and the item relating to that section in the table of contents for that Act are repealed.

(e) INTERNATIONAL COOPERATION AND COORDINATION.—

(1) IN GENERAL.—Section 233 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 983) is amended to read as follows:

''SEC. 233. INSPECTION TECHNOLOGY AND TRAINING.

''(a) IN GENERAL.—The Secretary, in coordination with the Secretary of State, the Secretary of Energy, and appropriate representatives of other Federal agencies, may provide technical assistance, equipment, and training to facilitate the implementation of supply chain security measures at ports designated under the Container Security Initiative.

''(b) ACQUISITION AND TRAINING.—Unless otherwise prohibited by law, the Secretary may—

''(1) lease, loan, provide, or otherwise assist in the deployment of nonintrusive inspection and radiation detection equipment at foreign land and sea ports under such terms and conditions as the Secretary prescribes, including nonreimbursable loans or the transfer of ownership of equipment; and

''(2) provide training and technical assistance for domestic or foreign personnel responsible for operating or maintaining such equipment.''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1884) is amended by amending the item relating to section 233 to read as follows:

''Sec. 233. Inspection technology and training.''.

(f) PILOT PROGRAM TO IMPROVE THE SECURITY OF EMPTY CONTAINERS.—Section 235 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 984) and the item relating to that section in the table of contents for that Act are repealed.

(g) SECURITY PLAN FOR ESSENTIAL AIR SERVICE AND SMALL COMMUNITY AIRPORTS.—Section 701 of the Security and Accountability for Every Port Act of 2006 (Public

Law 109–347; 120 Stat. 1943) and the item relating to that section in the table of contents for that Act are repealed.

(h) AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING PROGRAM.—Section 708 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1947) and the item relating to that section in the table of contents for that Act are repealed.

TITLE IV—CONFORMING AND MISCELLANEOUS AMENDMENTS

SEC. 2401. TITLE 49 AMENDMENTS.

(a) DELETION OF DUTIES RELATED TO AVIATION SECURITY.—Section 106(g) is amended to read as follows:

''(g) DUTIES AND POWERS OF ADMINISTRATOR.—The Administrator shall carry out the following:

''(1) Duties and powers of the Secretary of Transportation under subsection (f) of this section related to aviation safety (except those related to transportation, packaging, marking, or description of hazardous material) and stated in the following:

''(A) Section 308(b).

''(B) Subsections (c) and (d) of section 1132.

''(C) Sections 40101(c), 40103(b), 40106(a), 40108, 40109(b), 40113(a), 40113(c), 40113(d), 40113(e), and 40114(a).

''(D) Chapter 445, except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515.

''(E) Chapter 447, except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723.

''(F) Chapter 451.

''(G) Chapter 453.

''(H) Section 46104.

''(I) Subsections (d) and (h)(2) of section 46301 and sections 46303(c), 46304 through 46308, 46310, 46311, and 46313 through 46316.

''(J) Chapter 465.

''(K) Sections 47504(b) (related to flight procedures), 47508(a), and 48107.

''(2) Additional duties and powers prescribed by the Secretary of Transportation.''.

(b) TRANSPORTATION SECURITY OVERSIGHT BOARD.—Section 115 is amended—

(1) in subsection (c)(1), by striking ''Under Secretary of Transportation for security'' and inserting ''Administrator of the Transportation Security Administration''; and

(2) in subsection (c)(6), by striking ''Under Secretary'' and inserting ''Administrator''.

(c) CHAPTER 401 AMENDMENTS.—Chapter 401 is amended—

(1) in section 40109—

(A) in subsection (b), by striking '', 40119, 44901, 44903, 44906, and 44935–44937''; and

(B) in subsection (c), by striking ''sections 44909 and'' and inserting ''sections 44909(a), 44909(b), and'';

(2) in section 40113—

(A) in subsection (a)—

(i) by striking ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'' and inserting ''the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by that Administrator or'';

(ii) by striking ''carried out by the Administrator'' and inserting ''carried out by that Administrator''; and

(iii) by striking '', Under Secretary, or Administrator,'' and inserting '', Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration,''; and

(B) in subsection (d)—

(i) by striking ''Under Secretary of Transportation for Security or the'';

(ii) by striking ''Transportation Security Administration or Federal Aviation Administration, as the case may be,'' and inserting ''Federal Aviation Administration''; and

(iii) by striking ''Under Secretary or Administrator, as the case may be,'' and inserting ''Administrator'';

(3) by striking section 40119; and

(4) in the table of contents, by striking the item relating to section 40119 and inserting the following:

''40119. [Reserved].''.

(d) CHAPTER 449 AMENDMENTS.—Chapter 449 is amended—

(1) in section 44901—

(A) in subsection (a)—

(i) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) by striking '', United States Code'';

(B) in subsection (c), by striking ''but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act'';

(C) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(II) in subparagraph (A), by striking ''no later than December 31, 2002'';

(ii) by striking paragraphs (2) and (3);

(iii) by redesignating paragraph (4) as paragraph (2); and

(iv) in paragraph (2), as redesignated—

(I) in subparagraph (A), by striking ''Assistant Secretary (Transportation Security Administration)'' and inserting ''Administrator of the Transportation Security Administration'';

(II) in subparagraph (B), by striking ''Assistant Secretary'' and inserting ''Administrator of the Transportation Security Administration''; and

(III) in subparagraph (D)—

(aa) by striking ''Assistant Secretary'' the first place it appears and inserting ''Administrator of the Transportation Security Administration''; and

(bb) by striking ''Assistant Secretary'' the second place it appears and inserting ''Administrator'';

(D) in subsection (e)—

(i) in that matter preceding paragraph (1)—

(I) by striking ''but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act''; and

(II) by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) in paragraph (4), by striking ''Under Secretary'' and inserting ''Administrator'';

(E) in subsection (f), by striking ''after the date of enactment of the Aviation and Transportation Security Act'';

(F) in subsection (g)—

(i) in paragraph (1), by striking ''Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the'' and inserting ''The'';

(ii) in paragraph (2), by striking ''as follows:'' and all that follows and inserting a period;

(iii) by amending paragraph (3) to read as follows:

''(3) REGULATIONS.—The Secretary of Homeland Security shall issue a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.'';

(iv) by striking paragraph (4); and

(v) by redesignating paragraph (5) as paragraph (4);

(G) in subsection (h)—

(i) in paragraph (1), by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) in paragraph (2)—

(I) by striking ''Under Secretary'' the first place it appears and inserting ''Administrator of the Transportation Security Administration''; and

(II) by striking ''Under Secretary'' each place it appears and inserting ''Administrator'';

(H) in subsection (i)—

(i) in the matter preceding paragraph (1), by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) in paragraph (2), by striking ''Under Secretary'' and inserting ''Administrator'';

(I) in subsection (j)(1)—

(i) in the matter preceding subparagraph (A), by striking ''Before January 1, 2008, the'' and inserting ''The''; and

(ii) in subparagraph (A), by striking ''the date of enactment of this subsection'' and inserting ''August 3, 2007'';

(J) in subsection (k)—

(i) in paragraph (1), by striking ''Not later than one year after the date of enactment of this subsection, the'' and inserting ''The'';

(ii) in paragraph (2), by striking ''Not later than 6 months after the date of enactment of this subsection, the'' and inserting ''The''; and

(iii) in paragraph (3), by striking ''Not later than 180 days after the date of enactment of this subsection, the'' in paragraph (3) and inserting ''The''; and

(K) in subsection (l)—

(i) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by striking ''Beginning June 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration)'' and inserting ''The Administrator of the Transportation Security Administration''; and

(II) in subparagraph (B), by striking ''Assistant Secretary'' and inserting ''Administrator'';

(ii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''Assistant Secretary'' the first place it appears and inserting ''Administrator of the Transportation Security Administration''; and

(bb) by striking ''Assistant Secretary'' the second place it appears and inserting ''Administrator''; and

(II) in subparagraph (B), by striking ''Assistant Secretary'' and inserting ''Administrator of the Transportation Security Administration''; and

(iii) in paragraph (4)—

(I) in subparagraph (A)—

(aa) by striking ''60 days after the deadline specified in paragraph (2), and not later than'';

(bb) by striking ''Assistant Secretary'' the first place it appears and inserting ''Administrator of the Transportation Security Administration''; and

(cc) by striking ''Assistant Secretary'' the second place it appears and inserting ''Administrator''; and

(II) in subparagraph (B), by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(2) section 44902 is amended—

(A) in subsection (a), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) in subsection (b), by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration'';

(3) section 44903 is amended—

(A) in subsection (a)—

(i) in the heading, by striking ''DEFINITION'' and inserting ''DEFINITIONS'';

(ii) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(iii) in subparagraph (B), as redesignated, by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator'';

(iv) in the matter preceding subparagraph (A), as redesignated, by striking ''In this section, 'law enforcement personnel' means individuals—'' and inserting ''In this section:'';

(v) by inserting before subparagraph (A), the following:

''(2) LAW ENFORCEMENT PERSONNEL.—The term 'law enforcement personnel' means individuals—''; and

(vi) by inserting before paragraph (2), as redesignated, the following:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.'';

(B) in subsection (d), by striking ''Secretary of Transportation'' and inserting ''Administrator'';

(C) in subsection (g), by striking ''Under Secretary's'' each place it appears and inserting ''Administrator's'';

(D) in subsection (h)—

(i) in paragraph (3), by striking ''Secretary'' and inserting ''Secretary of Homeland Security'';

(ii) in paragraph (4)—

(I) in subparagraph (A), by striking '', as soon as practicable after the date of enactment of this subsection,'';

(II) in subparagraph (C), by striking ''section 44903(c)'' and inserting ''subsection (c)''; and

(III) in subparagraph (E), by striking '', not later than March 31, 2005,'';

(iii) in paragraph (5), by striking ''Assistant Secretary of Homeland Security (Transportation Security Administration)'' and inserting ''Administrator'';

(iv) in paragraph (6)(A)—

(I) in the matter preceding clause (i), by striking ''Not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the'' and inserting ''The''; and

(II) in clause (i), by striking ''section'' and inserting ''paragraph''; and

(v) in paragraph (6)(C), by striking ''Secretary'' and inserting ''Secretary of Homeland Security'';

(E) in subsection (i)(3), by striking '', after the date of enactment of this paragraph,'';

(F) in subsection (j)—

(i) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Administrator shall periodically recommend to airport operators commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.'';

(ii) in paragraph (2)—

(I) in the heading, by striking ''COMPUTER-ASSISTED PASSENGER PRESCREENING SYSTEM'' and inserting ''SECURE FLIGHT PROGRAM'';

(II) in subparagraph (A)—

(aa) by striking ''Computer-Assisted Passenger Prescreening System'' and inserting ''Secure Flight program'';

(bb) by striking ''Secretary of Transportation'' and inserting ''Administrator''; and

(cc) by striking ''system'' each place it appears and inserting ''program'';

(III) in subparagraph (B)—

(aa) by striking ''Computer-Assisted Passenger Prescreening System'' and inserting ''Secure Flight program'';

(bb) by striking ''Secretary of Transportation'' and inserting ''Administrator''; and

(cc) by striking ''Secretary'' and inserting ''Administrator'';

(IV) in subparagraph (C)—

(aa) in clause (i), by striking ''Not later than January 1, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary,'' and inserting ''The Administrator'';

(bb) in clause (ii), by striking ''Not later than 180 days after completion of testing under clause (i), the'' and inserting ''The''; and

(cc) in clause (iv), by striking ''Not later than 180 days after'' and inserting ''After'';

(V) in subparagraph (D), by striking ''Assistant Secretary of Homeland Security (Transportation Security Administration)'' and inserting ''Administrator'';

(VI) in subparagraph (E)(i), by striking ''Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the'' and inserting ''The Administrator''; and

(VII) by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator'';

(G) in subsection (l), by striking ''Under Secretary for Border and Transportation Security of the Department of Homeland Security'' and inserting ''Administrator'';

(H) in subsection (m)—

(i) in paragraph (1), by striking ''Assistant Secretary of Homeland Security (Transportation Security Administration)'' and inserting ''Administrator''; and

(ii) by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator''; and

(I) by striking ''Under Secretary'' each place it appears and inserting ''Administrator'';

(4) section 44904 is amended—

(A) in subsection (a), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration'';

(B) in subsection (c)—

(i) by striking ''section 114(t)(3)'' and inserting ''section 114(s)(3)''; and

(ii) by striking ''section 114(t)'' and inserting ''section 114(s)'';

(C) in subsection (d)—

(i) by striking ''Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration)'' and inserting ''The Administrator of the Transportation Security Administration''; and

(ii) by striking ''section 114(t)(1)'' and inserting ''section 114(s)(1)''; and

(D) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(5) section 44905 is amended—

(A) in subsection (a)—

(i) by striking ''Secretary of Transportation'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) by striking ''Secretary.'' and inserting ''Administrator.'';

(B) in subsection (b), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(C) in subsections (c), (d), and (f), by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(6) section 44906 is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) by striking ''Under Secretary'' each place it appears and inserting ''Administrator'';

(7) section 44908 is amended—

(A) by striking ''Secretary of Transportation'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(B) in subsection (a), by striking ''safety or''; and

(C) in subsection (c), by striking ''The Secretary'' and inserting ''The Administrator'';

(8) section 44909 is amended—

(A) in subsection (a)(1), by striking ''Not later than March 16, 1991, the'' and inserting ''The''; and

(B) in subsection (c)—

(i) in paragraph (1), by striking ''Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each'' and inserting ''Each'';

(ii) in paragraphs (2)(F) and (5), by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration''; and

(iii) in paragraph (6)—

(I) in subparagraph (A), by striking ''Not later than 60 days after date of enactment of this paragraph, the'' and inserting ''The''; and

(II) in subparagraph (B)(ii)—

(aa) by striking ''the Secretary will'' and inserting ''the Secretary of Homeland Security will''; and

(bb) by striking ''the Secretary to'' and inserting ''the Secretary of Homeland Security to'';

(9) section 44911 is amended—

(A) in subsection (b), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration'';

(B) in subsection (d), by striking ''request of the Secretary'' and inserting ''request of the Secretary of Homeland Security''; and

(C) in subsection (e)—

(i) by striking ''Secretary, and the Under Secretary'' and inserting ''Secretary of Homeland Security, and the Administrator of the Transportation Security Administration''; and

(ii) by striking ''intelligence community and the Under Secretary'' and inserting ''intelligence community and the Administrator of the Transportation Security Administration'';

(10) section 44912 is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator''; and

(II) by striking '', not later than November 16, 1993,''; and

(ii) in paragraph (4)(C), by striking ''Research, Engineering and Development Advisory Committee'' and inserting ''Administrator'';

(B) in subsection (c)—

(i) in paragraph (1), by striking '', as a subcommittee of the Research, Engineering, and Development Advisory Committee,''; and

(ii) in paragraph (4), by striking ''Not later than 90 days after the date of the enactment of the Aviation and Transportation Security Act, and every two years thereafter,'' and inserting ''Biennially,'';

(C) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''; and

(D) by adding at the end the following:

''(d) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—

''(1) IN GENERAL.—The Administrator shall conduct research (including behavioral research) and development activities appropriate to develop, modify, test, and evaluate a system, procedure, facility, or device to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security.

''(2) DISCLOSURE.—

''(A) IN GENERAL.—Notwithstanding section 552 of title 5, the Administrator shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Homeland Security decides disclosing the information would—

''(i) be an unwarranted invasion of personal privacy;

''(ii) reveal a trade secret or privileged or confidential commercial or financial information; or

''(iii) be detrimental to transportation safety.

''(B) INFORMATION TO CONGRESS.—Subparagraph (A) does not authorize information to be withheld from a committee of Congress authorized to have the information.

''(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

''(i) to conceal a violation of law, inefficiency, or administrative error;

''(ii) to prevent embarrassment to a person, organization, or agency;

''(iii) to restrain competition; or

''(iv) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

''(D) PRIVACY ACT.—Section 552a of title 5 shall not apply to disclosures that the Administrator of the Transportation Security Administration may make from the systems of records of the Transportation Security Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.

''(3) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—Except as otherwise provided by law, the Administrator may not transfer a duty or power under this section to another department, agency, or instrumentality of the United States Government.

''(e) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means the Administrator of the Transportation Security Administration.'';

(11) section 44913 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration (referred to in this section as 'the Administrator')'';

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(iv) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''; and

(B) in subsection (b), by striking ''Secretary of Transportation'' and inserting ''Administrator'';

(12) section 44914 is amended—

(A) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration'';

(B) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''; and

(C) by inserting ''the Department of Transportation,'' before ''air carriers, airport authorities, and others'';

(13) section 44915 is amended by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration'';

(14) section 44916 is amended—

(A) in subsection (a), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(B) in subsection (b)—

(i) by striking ''Under Secretary'' the first place it appears and inserting ''Administrator of the Transportation Security Administration''; and

(ii) by striking ''Under Secretary'' the second place it appears and inserting ''Administrator'';

(15) section 44917 is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) in paragraph (2), by striking ''by the Secretary'';

(B) in subsection (d)—

(i) in paragraph (1), by striking ''Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) in paragraph (3), by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(16) section 44918 is amended—

(A) in subsection (a)—

(i) in paragraph (2)(E), by striking ''Under Secretary for Border and Transportation Security of the Department of Homeland Security'' and inserting ''Administrator of the Transportation Security Administration'';

(ii) in paragraph (4), by striking ''Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the'' and inserting ''The''; and

(iii) in paragraph (5), by striking ''the date of enactment of the Vision 100—Century of Aviation Reauthorization Act'' and inserting ''December 12, 2003,'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the'' and inserting ''The''; and

(ii) in paragraph (6), by striking ''Federal Air Marshals Service'' and inserting ''Federal Air Marshal Service''; and

(C) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(17) section 44920 is amended—

(A) in subsection (g)(1), by striking ''subsection (a) or section 44919'' and inserting ''subsection (a)''; and

(B) by adding at the end the following:

''(i) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means the Administrator of the Transportation Security Administration.'';

(18) section 44922 is amended—

(A) in the heading, by striking ''**Deputation**'' and inserting ''**Deputization**'';

(B) in subsection (a)—

(i) in the heading, by striking ''DEPUTATION'' and inserting ''DEPUTIZATION''; and

(ii) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration'';

(C) in subsection (e), by striking ''deputation'' and inserting ''deputization''; and

(D) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(19) section 44923 is amended—

(A) in subsection (a), by striking ''Under Secretary for Border and Transportation Security of the Department of Homeland Security'' and inserting ''Administrator of the Transportation Security Administration'';

(B) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(C) in subsection (e)—

(i) by striking paragraph (2); and

(ii) by striking ''(1) IN GENERAL.—''; and

(D) by striking subsection (j);

(20) section 44924 is amended—

(A) in subsection (a)—

(i) by striking ''Under Secretary for Border and Transportation Security of the Department of Homeland Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) by striking ''Administrator under'' and inserting ''Administrator of the Federal Aviation Administration under'';

(B) in subsections (b), (c), (d), (e), and (f), by striking ''Administrator'' and inserting ''Administrator of the Federal Aviation Administration'';

(C) in subsection (f), by striking ''Not later than 240 days after the date of enactment of this section, the'' and inserting ''The''; and

(D) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(21) section 44925 is amended—

(A) in subsection (b)(1), by striking ''Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration)'' and inserting ''The Administrator of the Transportation Security Administration'';

(B) in subsection (b), by striking paragraph (3); and

(C) in subsection (d), by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(22) section 44926(b)(3) is amended by striking ''an misidentified passenger'' and inserting ''a misidentified passenger'';

(23) section 44927 is amended—

(A) by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(B) in subsection (a), by striking ''Veteran Affairs'' and inserting ''Veterans Affairs''; and

(C) in subsection (f)—

(i) in the heading, by striking ''REPORT'' and inserting ''REPORTS''; and

(ii) by striking ''Not later than 1 year after the date of enactment of this section, and annually thereafter,'' and inserting ''Each year,'';

(24) section 44933 is amended—

(A) in subsection (a)—

(i) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration'';

(ii) by striking ''Federal Security Manager'' and inserting ''Federal Security Director''; and

(iii) by striking ''Managers'' each place it appears and inserting ''Federal Security Directors'';

(B) in subsection (b), by striking ''Manager'' and inserting ''Federal Security Director''; and

(C) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(25) section 44934 is amended—

(A) in subsection (a)—

(i) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration'';

(ii) by striking ''airports. In coordination with the Secretary'' and inserting ''airports. In coordination with the Secretary of State'';

(iii) by striking ''The Secretary shall give high priority'' and inserting ''The Secretary of State shall give high priority''; and

(iv) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) in paragraph (1), by striking ''Under Secretary'' and inserting ''Administrator''; and

(C) in subsection (c), by striking ''the Secretary and the chief'' and inserting ''the Secretary of State and the chief'';

(26) section 44935 is amended—

(A) in subsection (a), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator'';

(B) in subsection (e)—

(i) in paragraph (1), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator''; and

(ii) in paragraph (2)(A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''Within 30 days after the date of enactment of the Aviation and Transportation Security Act, the'' and inserting ''The''; and

(bb) by inserting ''other'' before ''provision of law''; and

(II) in clause (ii), by striking ''section 1102(a)(22)'' and inserting ''section 101(a)(22)'';

(C) in subsection (f)(1), by inserting ''other'' before ''provision of law'';

(D) in subsection (g)(2), by striking ''Within 60 days after the date of enactment of the Aviation and Transportation Security Act, the'' and inserting ''The'';

(E) by striking ''(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—'' and inserting ''(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—'';

(F) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''; and

(G) by adding at the end the following:

''(l) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means the Administrator of the Transportation Security Administration.'';

(27) section 44936 is amended—

(A) in subsection (a)—

(i) by striking ''Under Secretary of Transportation for Security'' each place it appears and inserting ''Administrator'';

(ii) in paragraph (1)—

(I) in subparagraph (A), by striking '',,'' and inserting a comma; and

(II) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C);

(B) in subsection (c)(1), by striking ''Under Secretary's'' and inserting ''Administrator's'';

(C) by striking ''Under Secretary'' each place it appears and inserting ''Administrator''; and

(D) by adding at the end the following:

''(f) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means the Administrator of the Transportation Security Administration.'';

(28) section 44937 is amended by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration'';

(29) section 44938 is amended—

(A) in subsection (a)—

(i) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(30) section 44939(d) is amended by striking ''Not later than 60 days after the date of enactment of this section, the Secretary'' and inserting ''The Secretary of Homeland Security'';

(31) section 44940 is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(II) by striking the last two sentences; and

(ii) by adding at the end the following:

''(2) DETERMINATION OF COSTS.—

''(A) IN GENERAL.—The amount of the costs under paragraph (1) shall be determined by the Administrator of the Transportation Security Administration and shall not be subject to judicial review.

''(B) DEFINITION OF FEDERAL LAW ENFORCEMENT PERSONNEL.—For purposes of paragraph (1)(A), the term 'Federal law enforcement personnel' includes State and local law enforcement officers who are deputized under section 44922.'';

(B) in subsections (b), (d), (e), (g), and (h), by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(C) in subsection (d)—

(i) in paragraph (1)—

(I) by striking ''within 60 days of the date of enactment of this Act, or''; and

(II) by striking ''thereafter''; and

(ii) in paragraph (2), by striking ''subsection (d)'' each place it appears and inserting ''paragraph (1) of this subsection'';

(D) in subsection (e)(1), by striking ''FEES PAYABLE TO UNDER SECRETARY'' in the heading and inserting ''FEES PAYABLE TO ADMINISTRATOR''; and

(E) in subsection (i)(4)—

(i) by striking subparagraphs (A) through (D); and

(ii) by redesignating subparagraphs (E) through (L) as subparagraphs (A) through (H), respectively;

(32) section 44941(a) is amended by inserting ''the Department of Homeland Security,'' after ''Department of Transportation,'';

(33) section 44942 is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''Within 180 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary for Transportation Security may, in consultation with'' and inserting ''The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and''; and

(II) in subparagraph (A), by striking '', and'' and inserting ''; and''; and

(ii) in paragraph (2), by inserting a comma after ''Federal Aviation Administration'';

(B) in subsection (b)—

(i) by striking ''(1) PERFORMANCE PLAN AND REPORT.—'';

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(iii) in paragraph (1), as redesignated—

(I) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(II) in subparagraph (A), as redesignated, by striking ''the Secretary and the Under Secretary for Transportation Security shall agree'' and inserting ''the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree''; and

(III) in subparagraph (B), as redesignated, by striking ''the Secretary, the Under Secretary for Transportation Security'' and inserting ''the Secretary of Homeland Security, the Administrator of the Transportation Security Administration,''; and

(iv) in paragraph (2), as redesignated, by striking ''Under Secretary for Transportation Security'' and inserting ''Administrator of the Transportation Security Administration'';

(34) section 44943 is amended—

(A) in subsection (a), by striking ''Under Secretary for Transportation Security'' and inserting ''Administrator of the Transportation Security Administration'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking ''Secretary and Under Secretary of Transportation for Security'' and inserting ''Secretary of Homeland Security and Administrator of the Transportation Security Administration''; and

(II) by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) in paragraph (2)—

(I) by striking ''Under Secretary'' the first place it appears and inserting ''Administrator of the Transportation Security Administration''; and

(II) by striking ''Under Secretary shall'' each place it appears and inserting ''Administrator shall''; and

(C) in subsection (c), by striking ''Aviation Security Act, the Under Secretary for Transportation Security'' and inserting ''Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), the Administrator of the Transportation Security Administration'';

(35) section 44944 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''Under Secretary of Transportation for Transportation Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(ii) in paragraph (4), by inserting ''the Administrator of the Federal Aviation Administration,'' after ''consult with''; and

(B) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(36) section 44945(b) is amended by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration''; and

(37) section 44946 is amended—

(A) in subsection (g)—

(i) by striking paragraph (2);

(ii) by redesignating paragraph (1) as paragraph (2); and

(iii) by inserting before paragraph (2), as redesignated, the following:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Transportation Security Administration.'';

(B) by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator'';

(C) in subsection (b)(4)—

(i) by striking ''the Secretary receives'' and inserting ''the Administrator receives''; and

(ii) by striking ''the Secretary shall'' and inserting ''the Administrator shall''; and

(D) in subsection (c)(1)(A), by striking ''Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the'' and inserting ''The''.

(e) CHAPTER 451 AMENDMENTS.—Section 45107 is amended—

(1) in subsection (a), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(2) in subsection (b), by striking ''Under Secretary of Transportation for Security, the Transportation Security Administration,'' and inserting ''Administrator of the Transportation Security Administration''.

(f) CHAPTER 461 AMENDMENTS.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by striking ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary'' and inserting ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'';

(2) in each of sections 46101, 46102(c), 46103, 46104, 46105, 46107, and 46110 by striking ''or Administrator'' each place it appears and inserting ''or Administrator of the Federal Aviation Administration'';

(3) in each of sections 46101(a)(1), 46102(a) 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by striking ''by the Administrator)'' and inserting ''by the Administrator of the Federal Aviation Administration)'';

(4) in each of sections 46101, 46102, 46103, 46104, 46105, 46107, and 46110 by striking ''Under Secretary,'' each place it appears and inserting ''Administrator of the Transportation Security Administration,'';

(5) in section 46102—

(A) in subsection (b), by striking ''the Administrator'' each place it appears and inserting ''the Administrator of the Federal Aviation Administration'';

(B) in subsection (c), by striking ''and Administrator'' each place it appears and inserting ''and Administrator of the Federal Aviation Administration''; and

(C) in subsection (d), by striking ''the Administrator, or an officer or employee of the Administration'' in subsection (d) and inserting ''the Administrator of the Federal Aviation Administration, or an officer or employee of the Federal Aviation Administration'';

(6) in section 46104—

(A) by striking ''subpena'' each place it appears and inserting ''subpoena''; and

(B) in subsection (b)—

(i) in the heading, by striking ''SUBPENAS'' and inserting ''SUBPOENAS''; and

(ii) by striking ''the Administrator, or'' and inserting ''the Administrator of the Federal Aviation Administration, or'';

(7) in section 46105(c), by striking ''When the Administrator'' and inserting ''When the Administrator of the Federal Aviation Administration'';

(8) in section 46109, by inserting ''(or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator)'' after ''Secretary of Transportation''; and

(9) in section 46111—

(A) in subsection (a)—

(i) by inserting ''the'' before ''Federal Aviation Administration'';

(ii) by striking ''Administrator is'' and inserting ''Administrator of the Federal Aviation Administration is''; and

(iii) by striking ''Under Secretary for Border and Transportation Security of the Department of Homeland Security'' and inserting ''Administrator of the Transportation Security Administration'';

(B) in subsections (b), (c), (e), and (g), by striking ''Administrator'' each place it appears and inserting ''Administrator of the Federal Aviation Administration'';

(C) in subsection (g)(2)(A), by striking ''(18 U.S.C. App.)'' and inserting ''(18 U.S.C. App.))''; and

(D) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration''.

(g) CHAPTER 463 AMENDMENTS.—Chapter 463 is amended—

(1) in section 46301—

(A) in subsection (a)(5)—

(i) in subparagraph (A)(i), by striking ''or chapter 451'' and inserting ''chapter 451''; and

(ii) in subparagraph (D), by inserting ''of Transportation'' after ''Secretary'';

(B) in subsection (d)—

(i) in paragraph (2)—

(I) by striking ''defined by the Secretary'' and inserting ''defined by the Secretary of Transportation''; and

(II) by striking ''Administrator shall'' and inserting ''Administrator of the Federal Aviation Administration shall'';

(ii) in paragraphs (3), (4), (5), (6), (7), and (8), by striking ''Administrator'' each place it appears and inserting ''Administrator of the Federal Aviation Administration''; and

(iii) in paragraph (8), by striking ''Under Secretary'' and inserting ''Administrator of the Transportation Security Administration'';

(C) in subsection (e), by inserting ''of Transportation'' after ''Secretary'';

(D) in subsection (g), by striking ''Administrator'' and inserting ''Administrator of the Federal Aviation Administration''; and

(E) in subsection (h)(2)—

(i) by striking ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary'' and inserting ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration''; and

(ii) by striking ''or the Administrator with respect to aviation safety duties and powers designated to be carried out by the Administrator'' and inserting ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration'';

(2) in section 46304(b), by striking ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator'' and inserting ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration'';

(3) in section 46311—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary'' and inserting ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'';

(II) by striking ''the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator'' and inserting ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration'';

(III) by striking ''Administrator shall'' and inserting ''Administrator of the Federal Aviation Administration shall''; and

(IV) by striking ''Administrator,'' and inserting ''Administrator of the Federal Aviation Administration,''; and

(ii) in paragraph (1), by striking ''Administrator'' and inserting ''Administrator of the Federal Aviation Administration'';

(B) in subsections (b) and (c), by striking ''Administrator'' each place it appears and inserting ''Administrator of the Federal Aviation Administration''; and

(C) by striking ''Under Secretary'' each place it appears and inserting ''Administrator of the Transportation Security Administration'';

(4) in section 46313—

(A) by striking ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary'' and inserting ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration'';

(B) by striking ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator'' and inserting ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration''; and

(C) by striking ''subpena'' and inserting ''subpoena''; and

(5) in section 46316(a)—

(A) by striking ''Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary'' and inserting ''Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration''; and

(B) by striking ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator'' and inserting ''or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration''.

(h) CHAPTER 465 AMENDMENTS.—Chapter 465 is amended—

(1) in section 46505(d)(2), by striking ''Under Secretary of Transportation for Security'' and inserting ''Administrator of the Transportation Security Administration''; and

(2) in the table of contents for chapter 465 of subtitle VII, by striking the following:

''46503. Repealed.''.

(i) CHAPTER 483 REPEAL.—

(1) IN GENERAL.—Chapter 483 is repealed.

(2) CONFORMING AMENDMENT.—The table of contents for subtitle VII is amended by striking the following:

''483. Aviation security funding ..... 48301''.

(j) AUTHORITY TO EXEMPT.—

(1) IN GENERAL.—Subchapter II of chapter 449 is amended by inserting before section 44933 the following:

''§ 44931. Authority to exempt

''The Secretary of Homeland Security may grant an exemption from a regulation prescribed in carrying out sections 44901, 44903, 44906, 44909(c), and 44935–44937 of this title when the Secretary decides the exemption is in the public interest.

''§ 44932. Administrative

''(a) GENERAL AUTHORITY.—The Secretary of Homeland Security may take action the Secretary considers necessary to carry out this chapter and chapters 461, 463, and 465 of this title, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

''(b) INDEMNIFICATION.—The Secretary of Homeland Security may indemnify an officer or employee of the Transportation Security Administration against a claim or judgment arising out of an act that the Secretary decides was committed within the scope of the official duties of the officer or employee.''.

(2) TABLE OF CONTENTS.—The table of contents of chapter 449 is amended by inserting before the item relating to section 44933 the following:

''44931. Authority to exempt.
''44932. Administrative.''.

SEC. 2402. TABLE OF CONTENTS OF CHAPTER 449.

The table of contents of chapter 449 is amended—

(1) in the item relating to section 44922, by striking ''Deputation'' and inserting ''Deputization''; and

(2) by inserting after section 44941 the following:

''44942. Performance goals and objectives.
''44943. Performance management system.''.

SEC. 2403. OTHER LAWS; INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

Section 4016(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note) is amended—

(1) in paragraph (1), by striking ''Assistant Secretary for Immigration and Customs Enforcement'' and inserting ''Administrator of the Transportation Security Administration''; and

(2) in paragraph (2), by striking ''Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, in coordination with the Assistant Secretary of Homeland Security (Transportation Security Administration),'' and inserting ''Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security''.

SEC. 2404. SAVINGS PROVISIONS.

References relating to the Under Secretary of Transportation for Security in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede the effective date of this Act shall be deemed to refer, as appropriate, to the Administrator of the Transportation Security Administration.

SA 2809. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 48, strike line 10 and all that follows through page 49, line 6, and insert the following:

(1) A process for streamlined communications between the Under Secretary, the Joint Chiefs of Staff, the commanders of the combatant commands, the science and technology executives within each military department, the science and technology community, and the manufacturing industrial base, including—

(A) a process for the commanders of the combatant commands and the Joint Chiefs of Staff to communicate their needs to the science and technology community and the manufacturing industrial base; and

(B) a process for the science and technology community and centers for manufacturing innovation to propose technologies that meet the needs communicated by the combatant commands and the Joint Chiefs of Staff.

(2) Procedures for the development of technologies proposed pursuant to paragraph (1)(B), including—

(A) a process for demonstrating performance of the proposed technologies on a short timeline;

(B) a process for accelerating, transitioning, and integrating new manufacturing technologies and processes;

SA 2810. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, strike lines 3 through 25 and insert the following:

(2) support efforts to accelerate the integration and transition of new manufacturing technologies and processes;

(3) identify improvements to sustainment methods for component parts and other logistics needs;

(4) identify and implement appropriate information security protections to ensure security of advanced manufacturing;

(5) aid in the procurement of advanced manufacturing equipment and support services; and

(6) enhance partnerships between the defense industrial base and Department of Defense laboratories, academic institutions, and industry.

(c) COOPERATIVE AGREEMENTS AND PARTNERSHIPS.—

(1) IN GENERAL.—The Under Secretaries may enter into a cooperative agreement and use public-private and public-public partnerships to facilitate development or transition of advanced manufacturing techniques and capabilities in support of the defense industrial base.

(2) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) and a partnership used under such paragraph shall facilitate—

(A) development and implementation of advanced manufacturing techniques and capabilities and the transition of existing capabilities;

SA 2811. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title VIII, add the following:

SEC. 896. DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.

(a) REVISIONS TO REPORT ELEMENTS.—Subsection (a) of section 2313a(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''significant'' and all that follows through the semicolon at the end, and inserting ''the regulatory requirements that create compliance difficulties for contractors, including an analysis of how those regulatory requirements affect contractors of different sizes and industries;'';

(2) in paragraph (2)—

(A) by striking subparagraphs (A) through (E) and inserting the following:

''(A) the total number of new audit or advisory engagements, by type (pre-award, incurred cost, other post-award, and business system), with time limits expiring during the fiscal year that were completed or were awaiting completion, as compared to total audit and advisory engagements completed or awaiting completion during the year;

''(B) on-time performance relative to time limits for each type of audit or advisory engagement (shown separately for the Defense Contract Audit Agency and qualified private auditors retained by the agency);

''(C) the time limit (expressed in days) for each type of audit or advisory engagement, along with the shortest period, longest period, and average period of actual performance (shown separately for the Defense Contract Audit Agency and qualified private auditors retained by the agency);

''(D) for pre-award audits of contractor costs, sustained costs as a total number and as a percentage of total questioned costs, where questioned costs are expressed as the impact on negotiable contract costs;

''(E) for post-award audits, the questioned costs accepted by the contracting officers and contractors as a total number and as a percentage of total questioned costs, where questioned costs are expressed as the impact on reimbursable contract (shown separately for the Defense Contract Audit Agency and qualified private auditors retained by the agency, for services both entities perform);''; and

(B) in subparagraph (H)—

(i) by inserting ''post-award'' after ''dollar value of''; and

(ii) by striking ''submission'' and inserting ''proposal'';

(3) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (9), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

''(3) A summary of the reasons for the difference between questioned and sustained costs shown in the statistical tables under paragraph (2).'';

(5) in paragraph (4) (as redesignated by paragraph (3) of this subsection), by striking ''needed to improve the audit process;'' and inserting ''needed by the Defense Contract Audit Agency to improve the audit process or that would enhance compliance with regulatory requirements.'';

(6) in paragraph (7) (as redesignated by paragraph (3) of this subsection), by striking ''more effective use of audit resources;'' and inserting ''contract compliance and professional development of the Defense Contract Audit Agency workforce (shown separately for collaborative outreach actions and other outreach actions).''; and

(7) by inserting after paragraph (7) (as redesignated by paragraph (3) of this subsection) the following new paragraph:

''(8) A statistically representative survey of contracting officers form Department of Defense buying commands, the Defense Contract Management Agency, and small and large business representatives from industry to measure the timeliness and effectiveness of audit and advisory services provided (shown separately for the Defense Contract Audit Agency and qualified private auditors retained by the Defense Contract Audit Agency).''.

(b) CONFORMING AMENDMENTS.—Subsection (a) of such section is further amended—

(1) in the matter preceding paragraph (1), by striking ''shall include, at a minimum—'' and inserting ''shall include the following:'';

(2) by capitalizing the first letter following the paragraph designation in each of paragraphs (1), (2), (4), (5), (6), (7), and (9); and

(3) by striking the semicolon at the end of each of paragraphs (1), (2), (5), and (6) and inserting a period.

(c) DEFINITIONS.—Subsection (d)(1) of such section is amended by striking ''qualified incurred cost submission'' and inserting ''qualified private auditor''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2020.

SA 2812. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title VIII, add the following:

SEC. 896. DEPARTMENT OF DEFENSE SMALL BUSINESS PROCUREMENT STRATEGY.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2282. Department of defense small business procurement strategy

''(a) IN GENERAL.—The Secretary of Defense shall develop and implement a small business strategy for the Department of Defense that meets the requirements of this section and enables the Department to better leverage small businesses as a means to enhance or support mission execution.

''(b) UNIFIED MANAGEMENT STRUCTURE.—As part of the small business strategy described in subsection (a), the Secretary shall ensure that there is a unified management structure within the Department for the functions of the Department relating to—

''(1) programs and activities related to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632));

''(2) manufacturing and industrial base policy; and

''(3) any procurement technical assistance program established under chapter 142 of this title.

''(c) ENHANCED COORDINATION.—As part of the small business strategy required under subsection (a), the Secretary shall ensure that coordination is improved among Department of Defense offices that shape the industrial base or promote small business use to make sure the Department has a coherent and comprehensive view of small business capabilities and innovations and how they strengthen the defense market.

''(d) PURPOSE OF SMALL BUSINESS PROGRAMS.—The Secretary shall ensure that programs and activities of the Department of Defense related to small business concerns are carried out so as to further national defense programs and priorities and the statements of purpose for Department of Defense acquisition set forth in section 801 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1449).

''(e) POINTS OF ENTRY INTO DEFENSE MARKET.—The Secretary shall ensure—

''(1) that opportunities for small business concerns to contract with the Department of Defense are identified clearly;

''(2) that small business concerns are able to have access to program managers, contracting officers, and other persons using the products or services of such concern to the extent necessary to inform such persons of emerging and existing capabilities of such concerns; and

''(3) that Department of Defense and defense sector engagement with non-traditional and innovative companies is promoted and prioritized through expanded small business engagement to such small business concerns.

''(f) ENHANCED OUTREACH UNDER PROCUREMENT TECHNICAL ASSISTANCE PROGRAM MARKET.—The Secretary shall enable and promote activities to provide coordinated outreach to small business concerns through any procurement technical assistance program established under chapter 142 of this title to facilitate small business contracting with the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2282. Department of Defense small business strategy.''.

(b) IMPLEMENTATION.—

(1) DEADLINE.—The Secretary of Defense shall develop the small business strategy required by section 2282 of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

(2) NOTICE TO CONGRESS AND PUBLICATION.—Upon completion of the development of the small business strategy pursuant to paragraph (1), the Secretary shall—

(A) transmit the strategy to Congress; and

(B) publish the strategy on a public website of the Department of Defense.

SA 2813. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle C of title XVI, add the following:

SEC. ___. UNITED STATES CYBER STRATEGY.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees and make available to the public a comprehensive, interagency national strategy for cyberspace.

(2) ELEMENTS.—The comprehensive, interagency national strategy required by paragraph (1) shall include the following elements:

(A) A government-wide and accepted glossary of definitions and terms for cyberspace and cyber-related activities.

(B) Criteria for the types of malicious cyber activities, including cyber-enabled information warfare, that the United States Government will seek to deter and will respond to.

(C) Processes, mechanisms, and authorities for attribution of malicious cyber activities.

(D) Menu of options, and criteria for use of each, for deterrence, denial, and response to malicious cyber activities, including cyber-enabled information warfare, using the range of national power to conduct.

(E) Tasks, roles, and responsibilities of the following entities in regards to cyberspace:

(i) The Department of Homeland Security for domestic cyber security concerns and defense of critical infrastructure.

(ii) The Department of Defense for military cyber activities and offensive cyber operations.

(iii) The Department of State for cyber diplomacy and promotion of United States values on fair use of cyberspace and related activities.

(iv) The Department of Commerce for cybersecurity matters relating to industry and economic needs, including standards, research, innovation, and competitiveness.

(v) The Federal Bureau of Investigation for law enforcement and intelligence relating to criminal behavior of persons, individuals, and States, in cyberspace.

(vi) The intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(vii) Any other agency deemed appropriate by the President to be a primary stakeholder for a cyber activity or related policy.

(F) Specific tasks, roles, and responsibilities of the above entities in regards to cybersecurity incidents involving critical infrastructure, cybersecurity incidents involving the .gov Internet domain, and other cybersecurity incidents of significant consequence.

(G) A specific description of the communication, cooperation, and deconfliction mechanisms used in the interagency, especially in an incident response capacity.

(H) The specific priorities of the President in incident response and generalized order of operations in the event of a cyber attack to which the Federal Government is responding.

(I) Use of, coordination with, or liaison to international partners, nongovernmental organizations, or commercial entities that support United States policy goals in cyberspace.

(J) The establishment of a permanent interagency working group to continually implement, study, and revise the cyber strategy for the whole of Government to meet emerging threats and trends.

(K) Mechanisms for continuous information sharing among Government agencies relating to cyber-enabled information warfare, cyber threats, cyber attacks, cybersecurity vulnerabilities, and cybersecurity technology.

(L) The development of a semiannual or biennial war game involving all Federal agencies to determine best practices for domestic and global responses to cyber events.

(M) Research and development priorities for the Federal Government and the United States.

(N) Cooperative enterprises with the private sector and State and local governments.

(O) Such other matters as the President considers appropriate.

(b) ASSESSMENT.—Not later than one year after the date of the submission of the strategy required by subsection (a), and annually after that, the President shall submit to the appropriate committees of Congress an assessment of the strategy, including—

(1) the status of implementation of the strategy;

(2) any organizational realignment necessary for implementation of the strategy, including consolidation of responsibility and directive authorities under a single entity at the Federal level;

(3) any insufficient capabilities of the entities listed in subsection (a)(2)(E);

(4) plans for corrective action for such insufficiencies;

(5) brief and results of semiannual or biennial war games prescribed in subsection (a)(2)(L); and

(6) any changes to the strategy since such submission.

(c) FORM.—The strategy and assessment required by this section shall each be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

(C) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Commerce, Science, and Transportation of the Senate; and

(D) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Oversight and Governmental Reform, the Committee on the Judiciary, and the Committee on Energy and Commerce of the House of Representatives.

(2) The term ''critical infrastructure'' has the meaning given such term in section 2 of Executive Order 13696 of February 12, 2013 (78 Fed. Reg. 11739), or successor order.

(3) The term ''incident''—

(A) means an occurrence that actually or imminently jeopardizes, without lawful authority an information system or the integrity, confidentiality, or availability of information on an information system; and

(B) includes attacks carried out with intent, occurrences that were the result of attacks, and occurrences with the effect of attacks.

(4) The term ''of significant consequence'', with respect to an incident, means the incident that occurred caused—

(A) casualties among United States persons or persons of allies of the United States;

(B) significant damage to private or public property;

(C) significant economic disruption;

(D) an effect, whether individually or in aggregate, comparable to that of an armed attack or one that imperils a vital national security interest of the United States; or

(E) significant disruption of the normal functioning of United States democratic society or government, including attacks against or incidents involving critical infrastructure that could damage systems used to provide key services to the public or government.

SA 2814. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1066. EXCEPTION FROM PUBLIC DISCLOSURE OF MANIFEST INFORMATION FOR THE SHIPMENT OF HOUSEHOLD GOODS OF MEMBERS OF THE UNIFORMED FORCES AND FEDERAL EMPLOYEES.

Section 431(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(2)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(C) the shipment consists of used household goods and personal effects, including personally owned vehicles, which are items that are for residential or professional use, are not for commercial resale, and are owned by a private individual who is—

''(i) an employee, as that term is defined in section 2105 of title 5, United States Code, who is shipping the goods and effects as part of a transfer of the employee from one official station to another for permanent duty or the spouse or dependent, as that term is defined in section 8901 of such title, of such an employee; or

''(ii) a member of a uniformed service, as that term is defined in section 101 of title 37, United States Code, who is shipping the goods and effects as part of a permanent change of station or a dependent, as that term is defined in section 401 of such title, of such a member.''.

SA 2815. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XI, add the following:

SEC. ____. REPORT ON SENIOR EXECUTIVE SERVICE MOBILITY IN SCIENCE AND TECHNOLOGY FIELDS.

(a) REPORT REQUIRED.—The Secretary of Defense shall enter into an agreement with a Federally funded research and development center to submit to the congressional defense committees, not later than one year after the date of the enactment of this Act, a report on the effects of rotating members of the Senior Executive Service of the Department of Defense in science and technology fields. The report shall include interviews with current and former members of such the Senior Executive Service of the Department of Defense in science and technology and personnel managers in science and technology organizations.

(b) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(1) A description and comparison of policies of each of the military departments and the Office of the Secretary of Defense relating to positions in the Senior Executive Service in science and technology fields.

(2) A discussion of the advantages and disadvantages of Senior Executive Service mobility and whether the policy should be different for positions in science and technology fields.

(3) Identification of positions in the Senior Executive Service that may have been misclassified as technical positions.

(4) An assessment of the extent to which mobility requirements of the Senior Executive Service are a factor in retirement or recruitment, and whether that differs for science and technology fields from other fields.

(5) Such recommendations for legislative or administrative action as the Federally funded research and development center may have with respect to rotating members of the Senior Executive Service of the Department in science and technology fields.

SA 2816. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 893 and insert the following:

SEC. 893. PERMANENT SBIR AND STTR AUTHORITY FOR THE DEPARTMENT OF DEFENSE AND PILOT PROGRAM EXTENSION.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (f)—

(A) in paragraph (2), by striking ''shall not'' and all that follows through ''make available'' and inserting ''shall not make available''; and

(B) by adding at the end the following:

''(5) ADMINISTRATIVE COSTS.—A Federal agency may use up to 3 percent of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program.'';

(2) in subsection (m), by inserting '', except with respect to the Department of Defense'' after ''September 30, 2022'';

(3) in subsection (n)—

(A) in paragraph (1)(A)—

(i) by inserting ''(or, with respect to the Department of Defense, any fiscal year)'' after ''2022''; and

(ii) by inserting ''(or, with respect to the Department of Defense, for any fiscal year)'' after ''for that fiscal year'';

(B) in paragraph (2), by striking ''shall not'' and all that follows through ''make available'' and inserting ''shall not make available''; and

(C) by adding at the end the following:

''(4) ADMINISTRATIVE COSTS.—A Federal agency may use up to 3 percent of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program.''; and

(4) in subsection (cc), by striking ''During fiscal years'' and all that follows through ''may each provide'' and inserting ''During fiscal years 2018 through 2022, each Federal agency participating in the SBIR program may provide''.

SA 2817. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle F of title V, add the following:

SEC. 564. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) The program of Federal impact aid was created by Congress in 1950 to provide local educational agencies with direct and flexible funding meant to replace property tax revenue lost due to the presence of tax-exempt Federal property, and since that time, impact aid funding has given local public schools the ability to provide quality public education to military connected students.

(2) More than 1,200 local educational agencies receive funding through the impact aid program under title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) (referred to in this section as ''impact aid'').

(3) Impact aid funding is used as a tax replacement program that supports all students in the school district due to the presence of Federal tax-exempt land, such as military installations, Native American reservations, or national parks.

(4) Congress designed impact aid funds to be intentionally flexible, and local educational agencies can use these funds to purchase classroom equipment, fund afterschool programs and advanced placement classes, and provide additional resources for special education.

(5) Turning impact aid into a voucher program would take away critical funding from public local educational agencies serving the majority of military connected students.

(6) Using the impact aid program as a funding source to support misguided school privatization policies will do nothing to increase the education quality for the vast majority of students at schools that receive funding under the impact aid program (referred to in this section as ''federally impacted schools'').

(7) Reducing impact aid funding for public schools places a great financial burden on the local community of federally impacted schools, and this is particularly unfair to these communities, as residents in many federally impacted school districts pay higher-than-average taxes because of the lack of taxable property or taxpayers in their communities.

(8) School vouchers undermine public school systems, lack accountability, and fail to ensure that the civil rights of students are fully protected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) because a majority of military connected students attend public schools, Congress should reaffirm its commitment to providing all military connected students with high-quality local public education;

(2) Congress should reaffirm its commitment to maintaining the structure of the Federal impact aid program under title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), as in effect on the day before the date of enactment of this Act; and

(3) Congress should reaffirm that the impact aid funding authorized under section 561 and section 562 is critical to ensuring public local educational agencies, whose tax base has been impacted by the Federal Government and who educate concentrations of military connected students, have adequate resources to educate federally connected students.

SA 2818. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 558. IMPROVEMENT OF AUTHORITY ON LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT FOR PROGRAM.—

(1) IN GENERAL.—Subsection (a) of section 529 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2001 note prec.) is amended by striking ''may carry out'' and inserting ''shall carry out''.

(2) CONFORMING AMENDMENTS.—Such section is further amended by striking ''authorized by subsection (a)'' each place it appears and inserting ''required by subsection (a)''.

(b) FUNDING.—From amounts authorized to be appropriated for fiscal year 2019 for the Defense Language and National Security Education Office, amounts shall be available to support Language Training Centers.

SA 2819. Mr. UDALL (for himself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. BROWN, and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1066. PUBLICATION OF TOXICOLOGICAL PROFILE FOR CERTAIN PER- AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—Not later than seven days after the date of the enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register and on an Internet website of the Department of Health and Human Services the results of the toxicological profile prepared by the Agency for Toxic Substances and Disease Registry of the Department pursuant to section 104(i)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(i)(2)) regarding the health effects of exposure to the following per- and polyfluoroalkyl substances:

(1) Perfluorooctanoic acid.

(2) Perfluorooctane sulfonic acid.

(3) Perfluorononanoic acid.

(4) Perfluorohexane sulfonic acid.

(b) REPORT.—Not later than seven days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report identifying any changes made after January 30, 2018, to the toxicology profiles of per- and polyfluoroalkyl substances specified in subsection (a).

SA 2820. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 3117(a)(2), strike subparagraph (B).

SA 2821. Mr. WICKER (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PORT AND INTERMODAL IMPROVEMENT PROGRAM.

(a) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—Section 50302 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—

''(1) GENERAL AUTHORITY.—Subject to the availability of appropriations and the provisions of this subsection, the Secretary of Transportation shall make grants, on a competitive basis, under this subsection to eligible applicants to assist in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports.

''(2) ELIGIBLE APPLICANT.—The Secretary may make a grant under this subsection to the following:

''(A) A State.

''(B) A political subdivision of a State or local government.

''(C) A public agency or publicly chartered authority established by 1 or more States.

''(D) A special purpose district with a transportation function.

''(E) A multistate or multijurisdictional group of entities described in this subsection.

''(F) A lead entity described in subparagraph (A), (B), (C), (D), or (E) jointly with a private entity or group of private entities.

''(3) ELIGIBLE PROJECTS.—The Secretary may make a grant under this subsection—

''(A) for a project that—

''(i) is either—

''(I) within the boundary of a port; or

''(II) outside the boundary of a port, but is directly related to port operations or to an intermodal connection to a port; and

''(ii) will be used to improve the safety, efficiency, or reliability of—

''(I) the loading and unloading of goods at the port, such as for marine terminal equipment;

''(II) the movement of goods into, out of, around, or within a port, such as for highway or rail infrastructure, intermodal facilities, freight intelligent transportation systems, and digital infrastructure systems; or

''(III) the movement of vessels in and out of the port facility by dredging a vessel berthing area that is not part of a Federal channel or an access channel associated with a Federal channel; or

''(B) to provide financial assistance to 1 or more projects under subparagraph (A) for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, and preliminary engineering and design work.

''(4) PROHIBITED USES.—A grant award under this subsection may not be used—

''(A) to finance or refinance the construction, reconstruction, reconditioning, or purchase of a vessel that is eligible for such assistance under chapter 537, unless the Secretary determines such vessel—

''(i) is necessary for a project described in paragraph (3)(A)(ii)(III) of this subsection; and

''(ii) is not receiving assistance under chapter 537; or

''(B) for any project within a small shipyard (as defined in section 54101).

''(5) APPLICATIONS AND PROCESS.—

''(A) APPLICATIONS.—

''(i) IN GENERAL.—Subject to clause (ii), to be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary considers appropriate.

''(ii) INCLUSIONS.—An application under this subparagraph shall include—

''(I) applicant contact information;

''(II) project location;

''(III) project description; and

''(IV) such other information as is necessary to select a project in accordance with this subsection.

''(B) SOLICITATION PROCESS.—Not later than 30 days after the date that amounts are made available for grants under this subsection for a fiscal year, the Secretary shall solicit grant applications for eligible projects in accordance with this subsection.

''(6) PROJECT SELECTION CRITERIA.—

''(A) IN GENERAL.—The Secretary may select a project described in paragraph (3) for funding under this subsection if the Secretary determines that—

''(i) the project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port;

''(ii) the project is cost-effective;

''(iii) the eligible applicant has authority to carry out the project;

''(iv) the eligible applicant has sufficient funding available to meet the matching requirements under paragraph (8); and

''(v) the project will be completed without unreasonable delay.

''(B) PREFERENCE.—In selecting projects described in paragraph (3) for funding under this subsection, the Secretary shall—

''(i) give preference to projects for which the Federal share under paragraph (8)(B) does not exceed 50 percent; and

''(ii) after factoring in preference to projects under clause (i), select projects that will maximize the net benefits of the funds awarded under this subsection, considering the cost-benefit analysis of the project, as applicable, including anticipated private and public benefits relative to the costs of the project.

''(C) SMALL PROJECTS.—The Secretary may waive the cost-benefit analysis under subparagraph (A)(ii), and establish a simplified, alternative basis for determining whether a project is cost-effective, for a small project described in paragraph (7)(B).

''(7) ALLOCATION OF FUNDS.—

''(A) GEOGRAPHIC DISTRIBUTION.—Not more than 25 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for projects in any 1 State.

''(B) SMALL PROJECTS.—The Secretary shall reserve 25 percent of the amounts made available for grants under this subsection each fiscal year to make grants for eligible projects described in paragraph (3)(A) that request the lesser of—

''(i) 10 percent of the amounts made available for grants under this subsection for a fiscal year; or

''(ii) $1,000,000.

''(C) DREDGING PROJECTS.—Not more than 25 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for projects described in paragraph (3)(A)(ii)(III).

''(D) DEVELOPMENT PHASE ACTIVITIES.—Not more than 10 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for development phase activities under paragraph (3)(B).

''(8) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

''(A) TOTAL PROJECT COSTS.—The Secretary shall estimate the total costs of a project under this subsection based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

''(B) FEDERAL SHARE.—

''(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the total costs of a project under this subsection shall not exceed 80 percent.

''(ii) DREDGING PROJECTS.—The Federal share of the total costs of a project described in paragraph (3)(A)(ii)(III) shall not exceed 50 percent.

''(iii) RURAL AREAS.—The Secretary may increase the Federal share of costs above 80 percent for a project located in a rural area.

''(9) TIFIA PROGRAM.—At the request of an eligible applicant under this subsection, the Secretary may use amounts available under this subsection to pay the subsidy and administrative costs of a project eligible for Federal credit assistance under chapter 6 of title 23 if the Secretary finds that such use of funds would advance the purpose of this subsection.

''(10) PROCEDURAL SAFEGUARDS.—The Secretary shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

''(A) grant funds are used for the purposes for which they were made available;

''(B) each grantee properly accounts for all expenditures of grant funds; and

''(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

''(11) GRANT CONDITIONS.—The Secretary shall require as a condition of making a grant under this subsection that a grantee—

''(A) maintain such records as the Secretary considers necessary;

''(B) make the records described in subparagraph (A) available for review and audit by the Secretary; and

''(C) periodically report to the Secretary such information as the Secretary considers necessary to assess progress.

''(12) CONGRESSIONAL APPROVAL.—

''(A) SUBMISSION TO CONGRESS.—Before making a grant for a project under this subsection, the Secretary shall, not later than 150 days after the date that amounts are made available for grants under this subsection for a fiscal year, submit to the appropriate committees of Congress a report, including—

''(i) a list of each eligible project selected by the Secretary under this subsection for a grant that fiscal year, including the recommended funding level for each such project; and

''(ii) an evaluation and justification for each such project.

''(B) COMMITTEE REVIEW.—Not later than 60 days after the date the report is submitted under subparagraph (A), the appropriate committees of Congress shall—

''(i) for each eligible project described in clause (i) of that subparagraph, approve or disapprove of the recommended funding level for the project; and

''(ii) report an original joint resolution approving or disapproving each eligible project described in clause (i) of that subparagraph.

''(C) APPROVAL.—The Secretary may not make a grant or any other obligation or commitment to fund a project under this subsection unless—

''(i) the project is included on the list under subparagraph (A)(i); and

''(ii)(I) not later than 90 days after the date the report is submitted under subparagraph (A), a joint resolution described in subparagraph (B) is enacted that approves the recommended funding level for the project; or

''(II) a joint resolution described in subparagraph (B) is not enacted before the deadline under subclause (I).

''(D) TIMING.—Not later than 30 days after the date of—

''(i) enactment of a joint resolution under subparagraph (C)(ii)(I), the Secretary may make a grant to each approved project as provided in the joint resolution; or

''(ii) the deadline under subparagraph (C)(ii)(I), if a joint resolution is not enacted before such deadline, the Secretary may make a grant to a project on the list under subparagraph (A)(i).

''(E) DISAPPROVED GRANT AWARD.—If an eligible project described in subparagraph (A)(i) is disapproved under this paragraph—

''(i) the recommended funding shall remain available to the Secretary for use for grants under this subsection in a subsequent fiscal year; and

''(ii) the Secretary may not make a grant to that project in the subsequent 4 fiscal years unless the application for the project is substantially modified.

''(13) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to affect existing authorities to conduct port infrastructure programs in—

''(A) Hawaii, as authorized by section 9008 of the SAFETEA-LU Act (Public Law 109–59; 119 Stat. 1926);

''(B) Alaska, as authorized by section 10205 of the SAFETEA-LU Act (Public Law 109–59; 119 Stat. 1934); or

''(C) Guam, as authorized by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (48 U.S.C. 1421r).

''(14) REPORTS.—The Secretary shall make available on the website of the Department of Transportation at the end of each fiscal year an annual report that lists each project for which a grant has been provided under this subsection during that fiscal year.

''(15) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2019 through 2022.

''(B) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain not more than 1 percent of the amounts appropriated for each fiscal year under this subsection for the administrative and oversight costs incurred by the Secretary to carry out this subsection.

''(C) AVAILABILITY.—

''(i) IN GENERAL.—Amounts appropriated for carrying out this subsection shall remain available until expended.

''(ii) UNEXPENDED FUNDS.—Amounts awarded as a grant under this subsection that are not expended by the grantee during the 4-year period following the date of the award shall remain available to the Secretary for use for grants under this subsection in a subsequent fiscal year.

''(16) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(i) the Committee on Commerce, Science, and Transportation of the Senate; and

''(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) PORT.—The term 'port' includes—

''(i) a sea port; and

''(ii) an inland port.

''(C) PROJECT.—The term 'project' includes construction, reconstruction, rehabilitation, acquisition of property, including land related to the project and improvements to the land, equipment acquisition, and operational improvements.''.

(b) SAVINGS CLAUSE.—A repeal made by subsection (a) of this section shall not affect amounts apportioned or allocated before the effective date of the repeal. Such apportioned or allocated funds shall continue to be subject to the requirements to which the funds were subject under section 50302(c) of title 46, United States Code, as in effect on the day before the date of enactment of this Act.

SA 2822. Mr. SCOTT (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 128.

SA 2823. Mr. SCOTT submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. _____. INCREASED FUNDING FOR AMPHIBIOUS ASSAULT VEHICLE.

(a) INCREASED FUNDING.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for the Amphibious Assault Vehicle (PE 0206629M/line 241), as specified in the funding table in section 4201 is hereby increased by $22,637,000.

(b) OFFSETS.—

(1) TACTICAL DATA NETWORKS ENTERPRISE.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for Air Force System Development and Demonstration (PE 0604281F/line 75) for Tactical Data Networks Enterprise, as specified in the funding table in section 4201 is hereby decreased by $5,000,000.

(2) EVOLVED SBIRS.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for Air Force System Development and Demonstration (PE 1206442F/line 129) for Evolved SBIRS, as specified in the funding table in section 4201 is hereby decreased by $5,000,000.

(3) NATIONAL SECURITY INNOVATION ACTIVITIES.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for Defense Wide Basic Research (PE 8888/line 300) for National Security Innovation Activities, as specified in the funding table in section 4201 is hereby decreased by $10,000,000.

(4) UNDERSEA WARFARE APPLIED RESEARCH.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for Navy Basic Research (PE 0602747N/line 12) for National Security Innovation Activities, as specified in the funding table in section 4201 is hereby decreased by $2,637,000.

SA 2824. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 12____. SENSE OF CONGRESS ON ESTABLISHMENT OF COMBINED MARITIME TASK FORCE PACIFIC.

It is the sense of Congress that—

(1) not later than one year after the date of the enactment of this Act, the President shall establish a task force, to be known as the Combined Maritime Task Force Pacific, to protect a free and open Indo-Pacific maritime region;

(2) in establishing the task force, the President shall seek the participation of partner nations that are interested in goals of the task force; and

(3) the United States Navy shall lead the task force.

SA 2825. Mr. GARDNER (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle G—Internet of Things Cybersecurity Improvement Act

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''Internet of Things (IoT) Cybersecurity Improvement Act of 2018''.

SEC. 1072. DEFINITIONS; RULE OF CONSTRUCTION.

(a) DEFINITIONS.—In this subtitle:

(1) COVERED DEVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''covered device''—

(i) means a physical object that—

(I) is capable of connecting to and is in regular connection with the Internet or internal networks of the Department that are connected to the Internet; and

(II) has computer processing capabilities that can collect, send, or receive data; and

(ii) does not include advanced or general-purpose computing devices, including personal computing systems, smart mobile communications devices, programmable logic controls, mainframe computing systems, and motor vehicles.

(B) MODIFICATION OF DEFINITION.—

(i) IN GENERAL.—The Secretary may modify the definition of the term ''covered device'' in order to expand or narrow the definition.

(ii) INTERESTED PARTIES.—The Secretary shall establish a process by which—

(I) interested parties may petition the Integrating Official described in section 1625 for a device that is not described in subparagraph (A)(ii) to be considered a device that is not a covered device; and

(II) the Secretary, acting through the Integrating Official, acts upon any petition submitted under subclause (I) in a timely manner.

(2) DEPARTMENT.—The term ''Department'' means the Department of Defense.

(3) FIRMWARE.—The term ''firmware'' means a computer program and the data stored in hardware, typically in read-only memory (ROM) or programmable read-only memory (PROM), such that the program and data cannot be dynamically written or modified during execution of the program.

(4) FIXED OR HARD-CODED CREDENTIAL.—The term ''fixed or hard-coded credential'' means a value, such as a password, token, cryptographic key, or other data element used as part of an authentication mechanism for granting remote access to an information system or its information, that is—

(A) established by a product vendor or service provider;

(B) incapable of being modified or revoked by the user or manufacturer lawfully operating the information system, except via a firmware update; and

(C) not unique to each covered device.

(5) HARDWARE.—The term ''hardware'' means the physical components of an information system.

(6) IoT.—The term ''IoT'' means the Internet of Things.

(7) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(8) PROPERLY AUTHENTICATED UPDATE.—The term ''properly authenticated update''

means an update, remediation, or technical fix to a hardware, firmware, or software component issued by a product vendor or service provider used to correct particular problems with the component, and that, in the case of software or firmware, contains some method of authenticity protection, such as a digital signature, so that unauthorized updates can be automatically detected and rejected.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

(10) SECURITY VULNERABILITY.—The term ''security vulnerability'' means any attribute of hardware, firmware, software, process, or procedure or combination of 2 or more of these factors that could enable or facilitate the defeat or compromise of the confidentiality, integrity, or availability of an information system or its information or physical devices to which it is connected.

(11) SOFTWARE.—The term ''software'' means a computer program and associated data that may be dynamically written or modified.

(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to expand the authority or jurisdiction of NIST.

SEC. 1073. CONTRACTOR RESPONSIBILITIES WITH RESPECT TO COVERED DEVICE CYBERSECURITY.

(a) STANDARD SECURITY CLAUSE REQUIRED IN COVERED DEVICES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with NIST, shall issue guidelines for the Department to require the inclusion of a standard security clause in any contract, except as provided in paragraph (2), paragraph (3), and subsection (b), for the acquisition of covered devices.

(2) CONTENT OF STANDARD SECURITY CLAUSE.—The standard security clause required under paragraph (1)—

(A) shall establish baseline security requirements that address aspects of device security, including—

(i) the ability of software or firmware components to accept properly authenticated and trusted updates from the vendor;

(ii) identity and access management, including prohibiting the use of fixed or hard-coded credentials used for remote administration, the delivery of updates, or communication;

(iii) participation in a Coordinated Vulnerability Disclosure program in accordance with subsection (f);

(iv) such other aspects as the Secretary determines to be appropriate; and

(B) shall, to the maximum extent practicable, reflect and align with voluntary consensus standards in effect on the date of enactment of this Act;

(C) shall require vendors to provide written attestation that the device meets such requirements as established under subparagraph (A);

(D) shall, to the maximum extent practicable, ensure that the requirements described in subparagraph (A) are—

(i) tailored to address the characteristics of different types of devices, including risk and intended function;

(ii) based on technology-neutral, outcome-based security principles;

(iii) developed through a transparent process that incorporates input from relevant stakeholders in industry and academia; and

(iv) updated regularly based on developments in technology and security methodologies;

(E) shall identify responsibilities for ensuring that a covered device software or firmware component is updated or replaced, consistent with other provisions in the contract governing the term of support, in a manner that allows for any future security vulnerability or defect in any part of the software or firmware to be patched, based on risk, in order to fix or remove a vulnerability or defect in the software or firmware component in a properly authenticated and secure manner; and

(F) shall require the contractor to provide the Department with general information on the ability of the device to be updated, such as—

(i) the manner in which the device receives security updates;

(ii) the business terms, including any fees for ongoing security support, under which security updates will be provided for a covered device;

(iii) the anticipated timeline for ending security support associated with the covered device;

(iv) formal notification when security support has ceased; and

(v) other information as determined necessary by the Secretary.

(3) WAIVER.—The Secretary may establish a process for the Department to waive the requirements described in paragraph (2)(A) when a component of the Department submits a written application for a waiver, if the process—

(A) provides for waivers to be granted only in limited circumstances, including—

(i) if a vendor demonstrates that a device meets a desired level of security through means other than those required under paragraph (2)(A); or

(ii) if the purchasing component of the Department reasonably believes that procurement of a covered device with limited data processing and software functionality would be unfeasible or economically impractical; and

(B) provides that, if the Secretary approves a waiver, the head of the purchasing component of the Department shall provide the contractor a written statement that the Department accepts risks resulting from use of the device.

(4) ALIGNMENT WITH FISMA.—In issuing the guidelines required under paragraph (1), the Secretary shall ensure that such guidelines are, to the greatest extent practicable, consistent with, not duplicative of, and in compliance with any applicable established information security policies, procedures, standards, and compliance requirements under chapter 35 of title 44, United States Code.

(b) ALTERNATE CONDITIONS TO MITIGATE CYBERSECURITY RISKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with NIST, shall establish a set of conditions that—

(A) ensure that a covered device that does not comply with the standard security clause under subsection (a) can be used with a level of security that is equivalent to the level of security described in subsection (a)(2); and

(B) shall be met in order for a Department to purchase a covered device described in subparagraph (A).

(2) REQUIREMENTS.—In defining a set of conditions that must be met for non-compliant devices as required under paragraph (1), the Secretary, in consultation with NIST, may consider the use of conditions and information security products such as those described in the relation to the security integration framework established in section 1631, including—

(A) network segmentation or micro-segmentation;

(B) the adoption of system level security controls, including operating system containers and microservices;

(C) multi-factor authentication; and

(D) intelligent network solutions and edge systems, such as gateways, that can isolate, disable, or remediate connected devices.

(3) SPECIFICATION OF ADDITIONAL PRECAUTIONS.—To address the long-term risk of non-compliant covered devices acquired in accordance with an exception under this paragraph, the Secretary, in consultation with NIST and taking into consideration frameworks set forth by NIST, may stipulate additional requirements for management and use of non-compliant devices, including deadlines for the removal, replacement, or disabling of non-compliant devices (or their Internet-connectivity), as well as minimal requirements for gateway products to ensure the integrity and security of the non-compliant devices.

(4) EXISTING THIRD-PARTY SECURITY STANDARD.—

(A) IN GENERAL.—If an existing voluntary consensus standard for the security of covered devices provides an equivalent or greater level of security to that described in subsection (a)(2)(A), the Secretary shall modify the required security clauses to reflect conformity with that voluntary consensus standard.

(B) WRITTEN CERTIFICATION.—A contractor providing the covered device under this paragraph shall provide self-attested written certification that the device complies with the security requirements of the industry certification method of the third party.

(C) ACCREDITATION STANDARDS.—The Secretary shall determine accreditation standards for third-party certification of compliance with voluntary consensus standards described in subparagraph (A).

(5) EXISTING SECURITY EVALUATION STANDARDS.—

(A) IN GENERAL.—If a component of the Department employs or proposes to employ a security evaluation process or criteria for covered devices that the component believes provides an equivalent or greater level of security to that described in subsection (a)(2)(A), the component may, upon the approval of the Secretary, employ or adopt that process or criteria in lieu of the requirements under subsection (a)(2)(A).

(B) APPROVAL.—The Secretary shall determine whether the process or criteria described in subparagraph (A) provides appropriate security and is aligned with the guidelines issued under this subsection.

(c) REQUIRED GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the Department to limit, to the maximum extent practicable, the use of lowest price technically acceptable source selection criteria in the case of a procurement that is predominately for the acquisition of a covered device.

(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the effectiveness of the guidelines required to be issued under subsections (a) and (c), which shall include any recommendations for legislation necessary to improve cybersecurity in the acquisition of Internet-connected devices by the Department.

(e) WAIVER AUTHORITY.—Beginning on the date that is 5 years after the date of enactment of this Act, the Secretary may waive, in whole or in part, the requirements of the guidelines issued under this section, for the Department.

(f) GUIDELINES REGARDING THE COORDINATED DISCLOSURE OF SECURITY VULNERABILITIES AND DEFECTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Secretary, in consultation with cybersecurity researchers and private-sector industry experts, shall issue guidelines for the Department with respect to any covered device in use by the Department regarding cybersecurity coordinated disclosure requirements that shall be required of contractors providing such covered devices to the Department.

(2) CONTENTS.—The guidelines required to be issued under paragraph (1) shall include policies and procedures for the processing and resolving of potential vulnerability information relating to a covered device, which shall be, to the maximum extent practicable, aligned with Standards 29147 and 30111 of the International Standards Organization, or any successor standard, such as—

(A) procedures for a contractor providing a covered device to the Department on how to—

(i) receive information about potential vulnerabilities in the product or online service of the contractor; and

(ii) disseminate resolution information about vulnerabilities in the product or online service of the contractor; and

(B) guidance, including example content, on the information items that should be produced through the implementation of the vulnerability disclosure process of the contractor.

(3) REQUIREMENT.—Consistent with section 1626, the Secretary shall develop mechanisms to provide assistance to help small manufacturers of covered devices set up coordinated vulnerability disclosure programs under this subsection, including assistance in establishing processes for intake, handling, and remediation of security vulnerabilities.

SEC. 1074. INVENTORY OF DEVICES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and maintain an inventory of covered devices used by the Department procured under this subtitle.

(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue guidelines for the Department to develop and manage the inventories required under subsection (a).

(c) DEVICE DATABASES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish and maintain a database of devices and the respective manufacturers of such devices about which the Government has received formal notification of security support ceasing, as required under section 1073(a)(2)(F).

(2) REQUIREMENT.—The Secretary shall take actions to ensure that the database required under paragraph (1) is consistent with section 1629 to increase visibility to endpoints, such as covered devices.

(3) UPDATES.—The Secretary shall update the databases established under paragraph (1) not less frequently than once every 30 days.

SA 2826. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After section 3116, add the following:

SEC. 3117. AUTHORIZATION FOR DISPOSAL OF PROLIFERATION-ATTRACTIVE TRANSURANIC WASTE.

Section 3132 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569), as amended by section 3116, is further amended—

(1) in subsection (c)(1), by adding at the end the following new subparagraph:

''(N) The disposal of proliferation-attractive transuranic waste and related equipment received by the Secretary under the program at the Waste Isolation Pilot Plant, New Mexico, notwithstanding—

''(i) the second sentence of section 213(a) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Public Law 96–164; 93 Stat. 1265); or

''(ii) section 2(19) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102–579; 106 Stat. 4779), as amended by section 3182 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2851).''; and

(2) in subsection (g), by adding at the end the following new paragraph:

''(7) The term 'transuranic waste' has the meaning given that term in section 2 of the Waste Isolation Pilot Plant Withdrawal Act (Public Law 102–579; 106 Stat. 4777), as amended by section 3182 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2851).''.

SA 2827. Mrs. CAPITO (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 558. PROHIBITION ON USE OF FUNDS TO DISESTABLISH SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

No amounts authorized to be appropriated by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled ''Army Senior Reserve Officers Training Corps (SROTC) Program Review and Criteria'' and dated January 27, 2014, or any successor information paper or policy of the Department of the Army.

SA 2828. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2823. MODIFICATION OF CONDITIONS ON LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 605), as amended by section 2842 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 863) and section 2838 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3710), is amended—

(1) by striking ''(1) The conveyance'' and inserting ''The conveyance''; and

(2) by striking paragraph (2).

SA 2829. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INTEGRITY IN BORDER IMMIGRATION ENFORCEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the ''Integrity in Border and Immigration Enforcement Act''.

(b) DEFINITIONS.—In this section:

(1) CBP.—The term ''CBP'' means U.S. Customs and Border Protection.

(2) ICE.—The term ''ICE'' means U.S. Immigration and Customs Enforcement.

(3) LAW ENFORCEMENT POSITION.—The term ''law enforcement position'' means any CBP or ICE law enforcement position.

(4) POLYGRAPH EXAMINATION.—The term ''polygraph examination'' means the Law Enforcement Pre-Employment Test certified by the National Center for Credibility Assessment.

(c) POLYGRAPH EXAMINATIONS FOR LAW ENFORCEMENT PERSONNEL.—

(1) APPLICANTS.—Beginning not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security—

(A) shall require that polygraph examinations are conducted on all applicants for law enforcement positions; and

(B) may not hire any applicant for a law enforcement position who does not pass a polygraph examination.

(2) TARGETED POLYGRAPH REINVESTIGATIONS.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security, as part of each background reinvestigation, shall administer a polygraph examination to—

(A) every CBP law enforcement employee who the Inspector General of the Department of Homeland Security determines is part of a population at risk of corruption or misconduct, based on an analysis of past incidents of misconduct and corruption; and

(B) every ICE law enforcement employee who the Inspector General of the Department of Homeland Security determines is part of a population at risk of corruption or misconduct, based on an analysis of past incidents of misconduct and corruption.

(3) DELEGATION OF AUTHORITY TO DETERMINE TARGETED POLYGRAPH EXAMINATIONS.—The Inspector General of the Department of Homeland Security may—

(A) delegate the authority under paragraph (2)(A) to the CBP Office of Professional Responsibility; and

(B) delegate the authority under paragraph (2)(B) to the ICE Office of Professional Responsibility.

(4) RANDOM POLYGRAPH REINVESTIGATIONS.—Beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(A) randomly administer a polygraph examination each year to at least 5 percent of CBP law enforcement employees who are undergoing background reinvestigations during that year and have not been selected for a targeted polygraph examination under paragraph (2)(A); and

(B) randomly administer a polygraph examination each year to at least 5 percent of ICE law enforcement employees who are undergoing background reinvestigations during that year and have not been selected for a targeted polygraph examination under paragraph (2)(B).

SA 2830. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title VIII, add the following:

SEC. 896. SENSE OF CONGRESS ON SERVICE ACQUISITION REFORM.

It is the sense of Congress—

(1) that failure to expeditiously implement the improvements required by section 2329 of title 10, United States Code, is an opportunity cost to buying back the readiness and modernizing the Department of Defense's capabilities;

(2) that the Department's most recent contractor inventories submitted to Congress on February 25, 2018, included ''approximately 25 percent, or just under $42 billion, of the department's total $160 billion-plus spend for contracted services'';

(3) that full accountability for the approximately $160,000,000,000 spent annually on contract services is required for good stewardship on behalf of the taxpayer irrespective of whether these funds are expended through prime or subcontract arrangements and irrespective of the method of procurement used, whether as a commercial item or service or any other means;

(4) to support full implementation of Future Year Defense Program detail visibility of spending on contract services to accompany the budget exhibit required by section 2329 of title 10, United States Code; and

(5) to support Department of Defense efforts to coordinate consistent and broad definitions of services contracts to ensure full accountability for every dollar obligated and expended with the full expectation that any future clarifications of services contract definitions will not reduce the scope of coverage of the $160,000,000,000 currently spent on contract services.

SA 2831. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. _____. SENSE OF THE SENATE ON RESEARCH REGARDING BLAST EXPOSURE ON THE CELLULAR LEVEL OF THE BRAIN.

It is the sense of the Senate that—

(1) further research is necessary regarding blast exposure on the cellular level of the brain;

(2) such research is needed to develop blast protection requirements for helmets and other personal protective equipment; and

(3) the Office of Naval Research should increase ongoing efforts, to the maximum extent possible, to develop a predictive traumatic brain injury model for blast, in order to better understand the cellular response to blast impulses and the interaction of the human brain and protective equipment related to blast exposure.

SA 2832. Mr. PORTMAN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 112. REPORT ON CHEMICAL WARFARE AGENT DECONTAMINATION KIT PRODUCTION.

(a) IN GENERAL.—Not later than March 31, 2019, the Secretary of the Army shall submit to Congress a report examining the production of chemical warfare agent decontamination kits and the status of the organic and commercial production bases.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) Current and forecasted production requirements for M100 and M295 decontamination kits.

(2) Estimated surge production capacity requirements based upon existing inventory, war reserve materiel, and Defense Planning Guidance.

(3) Cost assessment and production base impacts of production solely in organic production base, solely in commercial production base, and a mix of organic and commercial production.

(4) Recommended actions to address areas deemed deficient or vulnerable, and a plan to formalize long-term resourcing.

(5) Any other matters determined relevant by the Secretary.

SA 2833. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 112. NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT REPORT.

(a) IN GENERAL.—Section 10541(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(10) An assessment by the Secretary of the Army, in coordination with the Chief of the National Guard Bureau, on the efforts of the Army to address any inventory or readiness shortfalls in the Army Reserve and the Army National Guard with respect to high priority items of equipment, including—

''(A) AH–64 Attack Helicopters;

''(B) UH–60 Black Hawk Utility Helicopters;

''(C) Abrams Main Battle Tanks;

''(D) Bradley Infantry Fighting Vehicles;

''(E) Stryker Combat Vehicles; and

''(F) any other items of equipment as agreed to by the Chief of the National Guard Bureau and the Chief of Staff of the Army.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reports required to be submitted under section 10541 of title 10, United States Code, after the date of the enactment of this Act.

SA 2834. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 891, add the following:

(f) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on any continued use of covered telecommunications equipment or services within the Department of Defense that are used as a substantial or essential component of any system, or as a critical technology as part of any system. The report shall also include the number of instances in which, pursuant to this section, the Secretary terminates any use of or contract for covered telecommunications equipment or services within the Department of Defense that are used as a substantial or essential component of any system, or as a critical technology as part of any system.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 2835. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1052. REPORT ON MODERNIZATION OF LIGHT INFANTRY COMBAT FORCES.

(a) REPORT REQUIRED.—Not later than March 31, 2019, the Secretary of the Army shall, in consultation with the Commandant of the Marine Corps, submit to the congressional defense committees a report on the strategy of the Department of Defense for modernizing and upgrading weapon systems, armor, and equipment for light infantry combat forces.

(b) ELEMENTS.—The report under subsection (a) shall include a description of the following in connection with the strategy described in that subsection:

(1) Investments to upgrade weapon systems designed to support light infantry combat units, including to reduce the weight of weapons, munitions, and ammunition carried by such forces.

(2) Initiatives to upgrade or improve equipment and armor technology for soldier systems, including to improve mobile power generation technologies.

(3) Initiatives to upgrade ground vehicle platforms designed to transport light infantry combat forces.

(c) STRATEGIC PLANNING.—The report under subsection (a) shall include strategic planning to do the following:

(1) Improve the lethality of light infantry combat units at the small unit level, focused on the current and potential threat environments as determined the Secretary.

(2) Invest in research, development, and prototyping of technologies designed to reduce the amount of time close combat infantry forces spend on non-combat related tasks while in a combat zone, including investments in technologies that aid units in reducing the time and personnel required to construct defensive positions.

(d) UNCLASSIFIED FORM.—The report under subsection (a) shall be submitted in unclassified form.

SA 2836. Ms. WARREN (for herself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. ____. DISAPPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS OF CERTAIN COURSES OF EDUCATION THAT DO NOT PERMIT INDIVIDUALS TO ATTEND OR PARTICIPATE IN COURSES PENDING PAYMENT.

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Notwithstanding any other provision of this chapter, beginning on August 1, 2018, a State approving agency, or the Secretary when acting in the role of the State approving agency, shall disapprove a course of education provided by an educational institution that has in effect a policy that is inconsistent with any of the following:

''(A) A policy that permits any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31 or 33 of this title and ending on the earlier of the following dates:

''(i) The date on which the Secretary provides payment for such course of education to such institution.

''(ii) The date that is 90 days after the date on which the educational institution certifies for tuition and fees following receipt from the student such certificate of eligibility.

''(B) A policy that ensures that the educational institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual borrow additional funds, on any covered individual because of the individual's inability to meet his or her financial obligations to the institution due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31 or 33 of this title.

''(2) For purposes of this subsection, a covered individual is any individual who is entitled to educational assistance under chapter 31 or 33 of this title.

''(3) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.''.

(b) PROMPT PAYMENTS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall take such actions as may be necessary to ensure that the Secretary makes a payment to an educational institution on behalf of an individual, who is entitled to educational assistance under chapter 31 or 33 of title 38, United States Code, and who is using such assistance to pursue a program of education at the educational institution, not later than 60 days after the date on which the educational institution certifies to the Secretary the applicable tuition and fees for the individual.

(2) SEMIANNUAL REPORTS.—Not later than May 1 and October 1 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a semiannual report summarizing any cases in which the Secretary failed to make a payment described in paragraph (1) within the period set forth in such paragraph and an explanation for each delayed disbursement of payment.

(c) RULE OF CONSTRUCTION.—In a case in which an individual is unable to meet his or her financial obligation to an educational institution due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31 or 33 of such title and the amount of such disbursement is less than anticipated, nothing in section 3679(e) of such title, as added by subsection (a), shall be construed to prohibit an educational institution from requiring additional payment or imposing a fee for the amount that is the difference between the amount of the financial obligation and the amount of the disbursement.

SA 2837. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1066. AUTHORITY OF PROBATION OFFICERS.

(a) IN GENERAL.—Section 3606 of title 18, United States Code, is amended—

(1) in the heading, by striking ''**and return of a probationer**'' and by inserting ''**authority of probation officers**'';

(2) by striking ''If there'' and inserting ''(a) If there''; and

(3) by adding at the end the following:

''(b) A probation officer, while in the performance of his or her official duties, may arrest a person without a warrant if there is probable cause to believe that the person has forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with the probation officer, or a fellow probation officer, in violation of section 111. The arrest authority described in this subsection shall be exercised under such rules and regulations as the Director of the Administrative Office of the United States Courts shall prescribe.''.

(b) TABLE OF SECTIONS.—The table of sections for subchapter A of chapter 229 of title 18, United States Code, is amended by striking the item relating to section 3606 and inserting the following:

''3606. Arrest authority of probation officers.''.

SA 2838. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 622. ELECTION OF SUPERSEDING BENEFICIARY IN THE SURVIVOR BENEFIT PLAN IN THE EVENT OF THE DEATH OF A DEPENDENT CHILD BENEFICIARY.

(a) IN GENERAL.—Section 1448(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) ELECTION OF NEW BENEFICIARY UPON DEATH OF DEPENDENT CHILD BENEFICIARY.—If a dependent child who is a beneficiary under the Plan dies, the participant in the Plan may elect a new beneficiary. The new beneficiary so elected shall be a natural person with an insurable interest in that participant who is not otherwise ineligible to be elected as a beneficiary under any other provision of this section at the time of election. The election shall be made, if at all, not later than 180 days after the date of death of the dependent child.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to participants in the Survivor Benefit Plan for deaths of dependent child beneficiaries in the Plan that occur on or after that date.

(2) DEATHS OF CHILDREN BEFORE ENACTMENT.—A participant in the Survivor Benefit Plan may make an election under paragraph (8) of section 1448(b) of title 10, United States Code (as added by subsection (a)), in connection with the death of a dependent child beneficiary that occurred before the date of the enactment of this Act, but only if the date of death occurred on or after October 1, 2013. Any such election shall be made, if at all, not later than 180 days after the date of the enactment of this Act.

SA 2839. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 622. ELECTION OF SUPERSEDING BENEFICIARY IN THE SURVIVOR BENEFIT PLAN IN THE EVENT OF THE DEATH OF A DEPENDENT CHILD BENEFICIARY.

(a) IN GENERAL.—Section 1448(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) ELECTION OF NEW BENEFICIARY UPON DEATH OF DEPENDENT CHILD BENEFICIARY.—If a dependent child who is a beneficiary under the Plan dies, the participant in the Plan may elect a new beneficiary. The new beneficiary so elected shall be a natural person with an insurable interest in that participant who is not otherwise ineligible to be elected as a beneficiary under any other provision of this section at the time of election. The election shall be made, if at all, not later than 180 days after the date of death of the dependent child.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to participants in the Survivor Benefit Plan for deaths of dependent child beneficiaries in the Plan that occur on or after that date.

(2) DEATHS OF CHILDREN BEFORE ENACTMENT.—A participant in the Survivor Benefit Plan may make an election under paragraph (8) of section 1448(b) of title 10, United States Code (as added by subsection (a)), in connection with the death of a dependent child beneficiary that occurred before the date of the enactment of this Act, but only if the date of death occurred on or after October 1, 2006. Any such election shall be made, if at all, not later than 180 days after the date of the enactment of this Act.

SA 2840. Mr. PORTMAN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 112. REPORT ON CHEMICAL WARFARE AGENT DECONTAMINATION KIT PRODUCTION.

(a) IN GENERAL.—Not later than March 31, 2019, the Secretary of the Army shall submit to Congress a report examining the production of chemical warfare agent decontamination kits and the status of the organic and commercial production bases.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) Current and forecasted production requirements for M100 and M295 decontamination kits.

(2) Estimated surge production capacity requirements based upon existing inventory, war reserve materiel, and Defense Planning Guidance.

(3) Cost assessment and production base impacts of production solely in organic production base, solely in commercial production base, and a mix of organic and commercial production.

(4) Recommended actions to address areas deemed deficient or vulnerable, and a plan to formalize long-term resourcing.

(5) Any other matters determined relevant by the Secretary.

SA 2841. Mr. SCOTT submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. ____. INCREASED FUNDING FOR AMPHIBIOUS ASSAULT VEHICLE.

(a) INCREASED FUNDING.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for the Amphibious Assault Vehicle (PE 0206629M/line 241), as specified in the funding table in section 4201, is hereby increased by $22,637,000.

(b) OFFSETS.—

(1) TACTICAL DATA NETWORKS ENTERPRISE.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for Air Force System Development and Demonstration (PE 0604281F/line 75) for Tactical Data Networks Enterprise, as specified in the funding table in section 4201, is hereby decreased by $5,000,000.

(2) DEFENSE RESEARCH SCIENCES.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for Navy basic Research (PE 0601153N/line 003) for Defense Research Sciences, as specified in the funding table in section 4201—

(A) for basic research program increase, is hereby decreased by $2,500,000; and

(B) for quantum information sciences, is hereby decreased by $2,500,000.

(3) NATIONAL SECURITY INNOVATION ACTIVITIES.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for Defense Wide Basic Research (PE 8888/line 300) for National Security Innovation Activities, as specified in the funding table in section 4201, is hereby decreased by $10,000,000.

(4) UNDERSEA WARFARE APPLIED RESEARCH.—The amount authorized to be appropriated for fiscal year 2019 by section 201 and available for research, development, test, and evaluation for Navy Basic Research (PE 0602747N/line 12) for National Security Innovation Activities, as specified in the funding table in section 4201, is hereby decreased by $2,637,000.

SA 2842. Mr. REED (for himself and Ms. WARREN) proposed an amendment to amendment SA 2366 proposed by Mr. LEE (for himself, Mrs. FEINSTEIN, and Mr. CRUZ) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(c) AUTHORIZATION BY CONGRESS.—Section 4209(a)(1) of the Atomic Energy Defense Act (50 U.S.C. 2529(a)(1)) is amended—

(1) by striking ''the Secretary shall'' and inserting the following: ''the Secretary—

''(A) shall''; and

(2) by striking the period at the end and inserting ''; and''; and

''(B) may carry out such activities only if amounts are authorized to be appropriated for such activities by an Act of Congress consistent with section 660 of the Department of Energy Organization Act (42 U.S.C. 7270).''.

SA 2843. Mrs. CAPITO (for herself, Ms. WARREN, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 521 and insert the following:

SEC. 521. AUTHORITY TO ADJUST EFFECTIVE DATE OF PROMOTION IN THE EVENT OF DELAY IN EXTENDING FEDERAL RECOGNITION OF PROMOTION.

(a) AUTHORITY TO ADJUST.—

(1) IN GENERAL.—Section 14308(f) of title 10, United States Code, is amended—

(A) by inserting ''(1)'' before ''The effective date of promotion''; and

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

''(2) If the Secretary concerned determines that there was a delay in extending Federal recognition in the next higher grade in the Army National Guard or the Air National Guard to a reserve commissioned officer of the Army or the Air Force, and the delay was not attributable to the action (or inaction) of such officer, the effective date of the promotion concerned under paragraph (1) may be adjusted to a date determined by the Secretary concerned, but not earlier than the effective date of the State promotion.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) REPORTS ON PROCESSES FOR FEDERAL RECOGNITION OF PROMOTION OF COMMISSIONED NATIONAL GUARD OFFICERS.—

(1) REVIEW.—The Secretary of the Army and the Secretary of the Air Force shall each undertake a comprehensive review of the policies and procedures of the Department of the Army and the Department of the Air Force, as applicable, for the Federal recognition promotions of commissioned officers of the Army National Guard and the Air National Guard, as the case may be.

(2) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to

the congressional defense committees a report, in writing, setting forth the results of the review required by paragraph (1). Each report shall include the following:

(A) A description of the average time between receipt by the military department concerned of scrolls indicating the promotion of commissioned officers in the National Guard and their publication during the five-year period ending on the date of the enactment of this Act.

(B) A description and assessment of various approaches for streamlining the process by which the military department concerned approves Federal recognition scrolls, including through—

(i) additional automation;

(ii) reduction in required steps; or

(iii) delegation of authority to conduct required reviews.

(C) If the Secretary concerned considers any approach under subparagraph (B) feasible and advisable, such recommendations for legislative or administration action as such Secretary considers appropriate to implement such approach.

(3) SCROLL DEFINED.—In this subsection, the term ''scroll'' has the meaning given that term in Department of Defense Instruction 1310.02.

SA 2844. Mrs. CAPITO (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 11, strike ''30 days'' and insert ''90 days''.

On page 33, lines 3 and 4, strike ''to the maximum extent practicable''.

SA 2845. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 609. BASIC ALLOWANCE FOR HOUSING AND CERTAIN FEDERAL BENEFITS.

(a) EXCLUSION OF BASIC ALLOWANCE FOR HOUSING.—Section 403(k) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4) In determining eligibility to participate in any Federal program issuing benefits for nutrition assistance (including the Family Subsistence Supplemental Allowance program under section 402a of this title), the value of a housing allowance under this section shall be excluded from any calculation of income, assets, or resources.''.

(b) CONFORMING AMENDMENTS.—Section 5(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(d)) is amended—

(1) in paragraph (18), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (19)(B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(20) any allowance under section 403 of title 37, United States Code.''.

SA 2846. Ms. DUCKWORTH (for herself, Mr. JOHNSON, Ms. BALDWIN, Mr. PETERS, Mr. RUBIO, and Mr. SCOTT) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1066. MEMBERSHIP ELIGIBILITY OF CERTAIN CAPTIVE INSURANCE COMPANIES.

(a) IN GENERAL.—The Federal Home Loan Bank Act (12 U.S.C. 1422 et seq.) is amended—

(1) in section 4 (12 U.S.C. 1424), by adding at the end the following:

''(d) MEMBERSHIP ELIGIBILITY OF CERTAIN CAPTIVE INSURANCE COMPANIES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the terms 'affiliate', 'long-term', and 'residential mortgage loan' have the meanings given those terms in section 1263.1 of title 12, Code of Federal Regulations, as in effect on the date of enactment of this subsection; and

''(B) the term 'covered captive insurance company' means a captive insurance company—

''(i) the primary insurance business of which is, or was on January 19, 2016, the insurance of an affiliate;

''(ii) that was admitted to membership of a Federal Home Loan Bank before January 19, 2016; and

''(iii) that, due solely to the change in the treatment of captive insurance companies in the final rule of the Agency entitled 'Members of Federal Home Loan Banks' (81 Fed. Reg. 3246 (January 20, 2016))—

''(I) was required to terminate membership in the Federal Home Loan Bank; or

''(II) will have membership in the Federal Home Loan Bank terminated.

''(2) CONTINUATION OR RESTORATION OF MEMBERSHIP.—A covered captive insurance company may continue membership or have membership restored in the same Federal Home Loan Bank described in paragraph (1)(B)(ii) if—

''(A) the Federal Home Loan Bank determines, including based on information submitted by the covered captive insurance company, that—

''(i) the affiliate insured by the covered captive insurance company makes, owns, or acquires long-term residential mortgage loans; and

''(ii) the covered captive insurance company will comply with the membership eligibility requirements described in subsections (a), (b), and (c) of section 1263.6 of title 12, Code of Federal Regulations, upon restoring membership; and

''(B) the covered captive insurance company continues to be owned, or upon restoration of membership is owned and continues to be owned, including direct ownership by a controlling entity or indirect ownership through one or more holding companies, by the same entity that owned the covered captive insurance company on the date of enactment of this subsection.

''(3) BENEFITS.—

''(A) IN GENERAL.—A covered captive insurance company for which membership in a Federal Home Loan Bank is continued or restored under paragraph (2) shall have the same benefits of membership in the Federal Home Loan Bank as the covered captive insurance company had before January 19, 2016.

''(B) APPLICATION OF REGULATION.—Section 1263.6(e) of title 12, Code of Federal Regulations, or any successor thereto, shall not apply to a covered captive insurance company for which membership in a Federal Home Loan Bank is continued or restored under paragraph (2).

''(C) CAPTIVES TREATED AS INSURANCE COMPANIES.—Except as otherwise specifically provided for in this Act, for purposes of this Act and any regulations promulgated under this Act, a covered captive insurance company shall be treated as an insurance company.

''(4) LIMITATION ON ADVANCES.—With respect to a covered captive insurance company for which membership in a Federal Home Loan Bank is continued or restored under paragraph (2) and that is not an affiliate of a depository financial institution, the Federal Home Loan Bank may not make any advances to the covered captive insurance company in an amount that, in the aggregate, is greater than 50 percent of the total assets of the covered captive insurance company unless the Federal Home Loan Bank has received from the affiliate of the covered captive insurance company or the controlling entity described in paragraph (2)(B) a guarantee of payment for any outstanding advances, which shall be in addition to any collateral otherwise required to secure the advances.''; and

(2) in section 6(g) (12 U.S.C. 1426(g))—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by adding at the end the following:

''(3) EXCEPTION FOR CERTAIN CAPTIVE INSURANCE COMPANIES.—A covered captive insurance company (as defined in section 4(d)(1)) for which membership in a Federal Home Loan Bank is restored under section 4(d)(2)—

''(A) shall not be subject to the 5-year period described in paragraph (1); and

''(B) may acquire shares of the Federal Home Loan Bank beginning after the membership is restored.''.

SA 2847. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2838. CONSOLIDATION OF JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) MOVEMENT OR CONSOLIDATION OF JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.—Except as provided under subsection (b), not later than September 30, 2020, the Secretary of Defense shall take appropriate actions to move, consolidate, or both, the offices of the Joint Spectrum Center to Fort

Meade, Maryland, for national security purposes to ensure the physical and cybersecurity protection of personnel and missions of the Department of Defense.

(b) NATIONAL SECURITY WAIVER.—The Secretary of Defense may waive the requirement under subsection (a) upon certifying to the congressional defense committees in writing that such waiver is necessary for national security reasons and that all force protection and cyber protection needs are being met without carrying out the actions otherwise required under such subsection.

(c) AUTHORIZATION.—Any facility, road, or infrastructure constructed or altered on a military installation as a result of this section is deemed to be authorized in accordance with section 2802 of title 10, United States Code.

(d) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated.

(e) REPEAL OF OBSOLETE AUTHORITY.—Section 2887 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 569) is hereby repealed.

SA 2848. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XXXI, insert the following:

SEC. _____. EXTENDING THE AUTHORIZATION OF THE EEOICPA OMBUDSMAN.

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15(h)) is amended—

(1) in subsection (h), by striking ''October 28, 2019'' and inserting ''October 28, 2024''; and

(2) by adding at the end the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

''(2) TREATMENT AS DISCRETIONARY SPENDING.—Amounts appropriated to carry out this section—

''(A) shall not be appropriated to the account established under subsection (a) of section 151 of title I of division B of Appendix D of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–251); and

''(B) shall not be subject to subsection (b) of that section.''.

SA 2849. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

Subtitle E—Real Property and Facilities Administration

SEC. 2851. AUTHORITY TO ENTER INTO 20-YEAR INTERGOVERNMENTAL SUPPORT AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.

(a) AUTHORITY.—Notwithstanding subparagraph (A) of paragraph (2) of section 2679(a) of title 10, United States Code, in addition to the agreements described in such subparagraph and subject to subsection (b), during fiscal year 2019 each Secretary concerned may enter into a single intergovernmental support agreement under such section for a term not to exceed 20 years.

(b) LIMIT ON COST.—The cost of any agreement entered into under the authority of this section may not exceed $750,000 during any year.

SA 2850. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1066. AUTHORITY FOR THE POSTAL SERVICE TO OFFER CERTAIN FINANCIAL SERVICES AT DEPARTMENT OF DEFENSE FACILITIES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(9) to provide basic financial services at postal facilities located at installations and other facilities of the Department of Defense, including—

''(A) low-cost, small-dollar loans, not to exceed $500 at a time, or $1,000 from 1 year of the issuance of the initial loan, as adjusted annually by the Postmaster General to reflect any change in the Consumer Price Index for All Urban Consumers of the Department of Labor;

''(B) alone, or in partnership with depository institutions, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), and Federal credit unions, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752), small checking accounts and interest-bearing savings accounts, not to exceed the greater of—

''(i) $20,000 per account; and

''(ii) 25 percent of the median account balance reported in the Federal Deposit Insurance Corporation's quarterly Consolidated Reports of Condition and Income;

''(C) transactional services, including debit cards, automated teller machines, online checking accounts, check-cashing services, automatic bill-pay, mobile banking, or other products that allows users to engage in the financial services described in this paragraph;

''(D) remittance services, including the receiving and sending of money to domestic or foreign recipients; and

''(E) such other basic financial services as the Postal Service determines appropriate in the public interest;

''(10) to set interest rates and fees for the financial instruments and products provided by the Postal Service under paragraph (9) that—

''(A) ensures that the customer access to the products and the public interest is given significant consideration;

''(B) ensures that interest rates on savings accounts are at least 100 percent of the Federal Deposit Insurance Corporation's weekly national rate on nonjumbo savings accounts; and

''(C) ensures that the total interest rates on small-dollar loan amounts—

''(i) are inclusive of interest, fees, charges, and ancillary products and services; and

''(ii) do not exceed 101 percent of the Treasury 1 month constant maturity rate; and

''(11) allow capitalization of an amount deemed necessary by the Postmaster General that serves the purpose of paragraphs (9) and (10), through an account separate from products not included or allowed under those paragraphs, for the purposes of carrying out those paragraphs.''; and

(2) by adding at the end the following:

''(f) Any net profits from services provided under subsection (a)(9) that are not greater than the amount of initial capitalization—

''(1) shall be reported separately from mail service and delivery;

''(2) in the case of any amount appropriated, shall be returned to the general fund of the Treasury not later than 9 years after the date of enactment of this subsection; and

''(3) may be repaid to the offering organization or organizations if the Postmaster General determines that the services provided under that subsection are not reduced as a result.''.

(b) NO BANK CHARTER.—The United States Postal Service shall not—

(1) be granted a bank charter; or

(2) become an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(c) UCC.—The United States Postal Service shall be subject to the provisions of article 4 of the Uniform Commercial Code.

(d) REGULATIONS.—The Postmaster General, in consultation with the Secretary of the Treasury, the Bureau of Consumer Financial Protection, and the Federal banking agencies, shall promulgate regulations carrying out this section and the amendments made by this section.

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 404(e)(2) of title 39, United States Code, is amended by adding at the end the following: ''The preceding sentence shall not apply to any financial service offered by the Postal Service under subsection (a)(9).''.

(f) RULE OF CONSTRUCTION.—The services offered by the United States Postal Service under section 404(a)(9) of title 39, United States Code, as amended by this section—

(1) shall be considered permissible nonbanking activities in accordance with section 225.28 of title 12, Code of Federal Regulations; and

(2) shall not be considered the business of banking under the seventh paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24).

SA 2851. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title LXVII.

SA 2852. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. PILOT PROGRAM ON PROMOTING THE COMMERCIALIZATION OF DUAL-USE TECHNOLOGY.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to assess the feasibility and advisability of promoting the commercialization of dual-use technology, with a focus on priority defense technology areas that attract funding from venture capital firms in the United States.

(b) LOCATIONS.—The Secretary shall carry out the pilot program at one or more leading universities that have expertise in—

(1) defense missions;

(2) commercialization of technology; and

(3) venture capital partnerships.

(c) SCALABILITY.—The Secretary shall ensure that the pilot program is designed to be scalable.

(d) SEMIANNUAL REPORTS.—Not less frequently than once every six months for the first two years of the pilot program, the Secretary shall brief the congressional defense committees on the progress of the Secretary in carrying out the pilot program

(e) AUTHORITIES.—In carrying out this section, the Secretary may use the following authorities:

(1) Section 1599g of title 10 of the United States Code, relating to public-private talent exchanges.

(2) Section 2368 of such title, relating to Centers for Science, Technology, and Engineering Partnerships.

(3) Section 2374a of such title, relating to prizes for advanced technology achievements.

(4) Section 2474 of such title, relating to Centers of Industrial and Technical Excellence.

(5) Section 2521 of such title, relating to the Manufacturing Technology Program.

(6) Section 225 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(7) Section 1711 of such Act, relating to a pilot program on strengthening manufacturing in the defense industrial base.

(8) Section 1603 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 50 U.S.C. 2359), relating to the Proof of Concept Commercialization Pilot Program.

(9) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.

(f) FUNDING.—

(1) ADDITIONAL FUNDING.—The amount authorized to be appropriated for fiscal year 2019 by section 201 for research, development, test, and evaluation is hereby increased by $5,000,000, with the amount of the increase to be available for National Innovation Activities (PE 8888/line 300).

(2) AVAILABILITY.—The amount available under paragraph (1) shall be available to carry out the pilot program required by subsection (a).

(3) OFFSET.—The amount authorized to be appropriated for fiscal year 2019 by this Act for Army Training Information Systems (PE 0605013A) for Army Information Technology Development, as specified in the funding table in section 4201, is hereby decreased by $5,000,000.

SA 2853. Ms. BALDWIN submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1018. CONTRACTS FOR MAINTENANCE OF NON-COMBAT NAVAL VESSELS IN NON-COASTWIDE AREAS OUTSIDE OF THE HOMEPORT OF THE VESSELS.

Notwithstanding section 7299a of title 10, United States Code, or any other provision of law, the Secretary of the Navy may award a contract for the overhaul, repair, or maintenance of a non-combat naval vessel to a firm that is located in a non-coastwide area outside the area of the homeport of the vessel, including a firm located in the Great Lakes or Gulf Coast regions of the United States, if the Secretary determines that such an award will—

(1) reduce naval vessel maintenance backlogs;

(2) improve fleet readiness;

(3) support the operational needs of the Navy; and

(4) not unduly impact the quality of life of the crew of the vessel.

SA 2854. Mrs. GILLIBRAND (for herself, Ms. BALDWIN, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1052. REPORT ON THE ANALYTICAL MODEL OF THE AIR FORCE FOR STRATEGIC BASING OF KC–46 AIRCRAFT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consistent with the National Defense Authorization Act for Fiscal Year 2018, the Air Force is undertaking an updated mobility capability and requirements study that will reflect guidance articulated in the 2018 National Defense Strategy; and

(2) that study should address the model the Department of the Air Force intends to use for its strategic basing process.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2019, the Secretary of Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a review, conducted by the Secretary for purposes of the report, of the analytical model used for strategic basing.

(2) PARTICULAR ELEMENT.—The report shall include such recommendations of the Secretary for the analytical model as the Secretary considers appropriate in order to ensure that the model addresses changes in refueling requirements along the Northern Tier of the United States as a result of the 2018 National Defense Strategy and associated mobility capability requirements, including, in particular, in connection with the growth of activities in the Northern Polar region by global and regional powers.

SA 2855. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. ___. AUTHORIZATION OF UNITED STATES STRATEGY FOR ENGAGEMENT IN CENTRAL AMERICA.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2016, the countries of the Northern Triangle region of Central America, which are El Salvador, Honduras, and Guatemala, reported homicide rates of 60, 43, and 26 per 100,000 residents, respectively, making the region one of the most dangerous regions in the world.

(2) The impunity rates for homicides in the Northern Triangle region are as high as 96 percent in Honduras, 95 percent in El Salvador, and 87 percent in Guatemala.

(3) Guatemala, Honduras, and El Salvador respectively ranked 143rd, 135th, and 112th, respectively, of 180 countries in Transparency International's 2017 Corruption Perception Index.

(4) The high levels of violence and corruption and weak adherence to the rule of law in the Northern Triangle region—

(A) contributes to instability in the region; and

(B) directly affects the United States, as demonstrated by the 2014 migration crisis in which a surge of unaccompanied minors arrived at the southwest border of the United States and requested humanitarian protection due to the dire conditions in their countries.

(b) UNITED STATES STRATEGY FOR ENGAGEMENT IN CENTRAL AMERICA.—

(1) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and in consultation with the head of each relevant Federal agency, shall carry out an initiative in the countries described in paragraph (2), to be known as the United States Strategy for Engagement in Central America.

(2) COUNTRIES.—The countries described in this paragraph are the following:

(A) Belize.

(B) Costa Rica.

(C) El Salvador.

(D) Guatemala.

(E) Honduras.

(F) Panama.

(3) PRIORITY.—The United States Strategy for Engagement in Central America shall prioritize activities in the Northern Triangle region of Central America, which consists of—

(A) El Salvador;
(B) Guatemala; and
(C) Honduras.

(4) OBJECTIVES.—With respect to the countries described in paragraph (2), the objectives of the United States Strategy for Engagement in Central America shall be the following:

(A) To strengthen the rule of law and bolster the effectiveness of judicial systems, offices of public prosecutors, and civilian police forces.

(B) To combat corruption and improve public sector transparency.

(C) To confront and counter the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations, and organized crime.

(D) To disrupt money laundering operations and the illicit financial networks of armed criminal gangs, illicit trafficking organizations, and human smugglers.

(E) To strengthen democratic governance and promote greater respect for internationally recognized human rights, labor rights, fundamental freedoms, and the media.

(F) To enhance the capability of the governments of countries of Central America to protect and provide for vulnerable and at-risk populations.

(G) To address the underlying causes of poverty and inequality.

(H) To address the constraints to inclusive economic growth.

(5) ACTIVITIES.—In implementing the United States Strategy for Engagement in Central America, the Secretary of State may carry out activities in the countries described in paragraph (2)—

(A) to strengthen the rule of law by providing support for—

(i) the Office of the Attorney General and public prosecutors in each such country, including the enhancement of the forensics and communications interception capabilities;

(ii) reforms leading to independent, merit-based, selection processes for judges and prosecutors, and relevant ethics and professional training;

(iii) the improvement of victim and witness protection; and

(iv) the reform and improvement of prison facilities and management;

(B) to combat corruption by providing support for—

(i) inspectors general and oversight institutions, including relevant training for inspectors and auditors;

(ii) international commissions against impunity, including the International Commission Against Impunity in Guatemala (CICIG) and the Support Mission Against Corruption and Impunity in Honduras (MACCIH);

(iii) civil society watchdogs that conduct oversight of executive branch officials and functions, police and security forces, and judicial officials and public prosecutors; and

(iv) the enhancement of freedom of information mechanisms;

(C) to consolidate democratic governance by providing support for—

(i) the reform of civil services, related training programs, and relevant career laws and processes that lead to independent, merit-based selection processes;

(ii) national legislatures and their capacity to conduct oversight of executive branch functions;

(iii) the reform of political party and campaign finance laws;

(iv) local governments and their capacity to provide critical safety, education, health, and sanitation services to citizens;

(v) to defend human rights by providing support for—

(vi) human rights ombudsman offices;

(vii) government protection programs that provide physical protection to human rights defenders, journalists, trade unionists, and civil society activists at risk;

(viii) civil society organizations that promote and defend human rights, freedom of expression, freedom of the press, labor rights, and LGBT rights; and

(ix) civil society organizations that address sexual, domestic, and inter-partner violence against women and protect victims of such violence;

(D) to professionalize civilian police forces by providing support for—

(i) the reform of personnel vetting and dismissal processes, including the enhancement of polygraph capability for use in such processes;

(ii) inspectors general and oversight offices, including relevant training for inspectors and auditors;

(iii) community policing policies and programs;

(iv) the establishment of special vetted units;

(v) training on the appropriate use of force and human rights;

(vi) training on civilian intelligence collection, investigative techniques, forensic analysis, and evidence preservation; and

(vii) equipment, such as nonintrusive inspection equipment and communications interception technology;

(E) to counter illicit trafficking by providing assistance to the civilian law enforcement and the armed forces of countries of Central America, including support for—

(i) the establishment of special vetted units;

(ii) the enhancement of intelligence collection capacity;

(iii) the reform of personnel vetting and dismissal processes, including the enhancement of polygraph capability for use in such processes; and

(iv) port, airport, and border security equipment, including—

(I) computer infrastructure and data management systems;

(II) secure communications technologies;

(III) communications interception technology;

(IV) nonintrusive inspection equipment; and

(V) radar and aerial surveillance equipment;

(F) to disrupt illicit financial networks by providing support for—

(i) finance ministries, including the enhancement of the capacity to use financial sanctions to block the assets of individuals and organizations involved in money laundering and the financing of armed criminal gangs, illicit trafficking networks, human smugglers, and organized crime;

(ii) financial intelligence units, including the establishment and enhancement of anti-money laundering programs; and

(iii) the reform of bank secrecy laws; and

(G) to improve crime prevention by providing support for—

(i) programs that address domestic violence and violence against women;

(ii) the enhancement of programs for at-risk and criminal-involved youth, including the improvement of community centers; and

(iii) alternative livelihood programs;

(H) to strengthen human capital by providing support for—

(i) workforce development and entrepreneurship training programs that are driven by market demand, specifically programs that prioritize women, at-risk youth, and minorities;

(ii) improving early-grade literacy and the improvement of primary and secondary school curricula;

(iii) relevant professional training for teachers and educational administrators; and

(iv) educational policy reform and improvement of education sector budgeting;

(I) to enhance economic competitiveness and investment climate by providing support for—

(i) small business development centers and programs that strengthen supply chain integration;

(ii) trade facilitation and customs harmonization programs;

(iii) reduction of energy costs through investments in clean technologies and the reform of energy policies and regulations;

(iv) the improvement of protections for investors, including dispute resolution and arbitration mechanisms; and

(v) the improvement of labor and environmental standards, in accordance with the Dominican Republic–Central America Free Trade Agreement (CAFTA–DR);

(J) to strengthen food security by providing support for—

(i) small-scale agriculture, including technical training and programs that facilitate access to credit;

(ii) agricultural value chain development for farming communities;

(iii) nutrition programs to reduce childhood stunting rates; and

(iv) investment in scientific research on climate change and climate resiliency; and

(K) to improve the state of fiscal and financial affairs by providing support for—

(i) domestic revenue generation, including programs to improve tax administration, collection, and enforcement;

(ii) strengthening public sector financial management, including strategic budgeting and expenditure tracking; and

(iii) reform of customs and procurement policies and processes.

(6) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) operational technology transferred to the governments of the countries described in paragraph (2) for intelligence or law enforcement purposes should be used solely for the purposes for which the technology was intended; and

(B) the United States should take all necessary steps to ensure that the use of operation technology described in subparagraph (A) is consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

(c) STRATEGY.—

(1) SUBMITTAL OF STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and in consultation with the heads of the relevant Federal agencies, shall submit to the appropriate committees of Congress a multiyear strategy to implement the United States Strategy for Engagement in Central America under subsection (b).

(2) REPORTS.—Not later than one year after the date of the enactment of this Act, and every year thereafter until the date described in subsection (f), the Secretary of State shall submit to the appropriate committees of Congress a report that evaluates the implementation of such international strategy with a focus on United States efforts in Central America—

(A) to strengthen the capacity and independence of justice systems;

(B) to combat corruption;

(C) to improve government transparency;

(D) to strengthen cooperation between Central American governments and anti-impunity commissions;

(E) to strengthen civilian police forces;

(F) to limit the role of the military in public security;

(G) to tackle violence and organized crime;

(H) to protect human rights; and

(I) to consult civil society and local communities.

(d) CONDITIONS ON ASSISTANCE FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of State may obligate not more than 25 percent of the amounts appropriated pursuant to subsection (e) to carry out the United States Strategy for Engagement in Central America.

(2) NOTIFICATION AND COOPERATION.—In addition to the amounts authorized to be obligated under paragraph (1), the Secretary of State may obligate an additional 25 percent of the amounts appropriated pursuant subsection (e) for assistance to the Government of El Salvador, the Government of Guatemala, and the Government of Honduras after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, submits to the appropriate committees of Congress a certification that such governments are taking effective steps, in addition to steps taken during previous years—

(A) to combat human smuggling and trafficking, including investigating, prosecuting, and increasing penalties for individuals responsible for such crimes;

(B) to improve border security and border screening to detect and deter illicit smuggling and trafficking, while respecting the rights of individuals fleeing violence and seeking humanitarian protection asylum, in accordance with international law;

(C) to cooperate with United States Government agencies and other governments in the region to facilitate the safe and timely repatriation of migrants who do not qualify for refugee or other protected status, in accordance with international law;

(D) to improve reintegration services for repatriated migrants in a manner that ensures the safety and well-being of the individual and reduces the likelihood of remigration; and

(E) to cooperate with the United Nations High Commissioner for Refugees to improve protections for, and the processing of, vulnerable populations, particularly women and children fleeing violence.

(3) EFFECTIVE IMPLEMENTATION.—In addition to the amounts authorized to be obligated under paragraphs (1) and (2), the Secretary of State may obligate an additional 50 percent of the amounts appropriated pursuant subsection (e) for assistance to the Government of El Salvador, the Government of Guatemala, and the Government of Honduras after the date on which the Secretary submits to the appropriate committees of Congress a certification that such governments are taking effective steps in the respective countries, in addition to steps taken during the previous calendar year—

(A) to establish an autonomous, publicly accountable entity to provide oversight of the international development initiatives;

(B) to combat corruption, including investigating and prosecuting government officials, military personnel, and civil police officers credibly alleged to be corrupt;

(C) to implement reforms and strengthen the rule of law, including increasing the capacity and independence of the judiciary and public prosecutors;

(D) to counter the activities of armed criminal gangs, illicit trafficking networks, and organized crime;

(E) to establish and implement a plan to create a professional, accountable civilian police force and curtail the role of the military in internal policing;

(F) to investigate and prosecute, through the civilian justice system, military and police personnel who are credibly alleged to have violated human rights, and to ensure that the military and the police are cooperating in such cases;

(G) to cooperate with international commissions against impunity, as appropriate, and with regional human rights entities;

(H) to implement reforms related to strengthening electoral system and improving the transparency of financing political campaigns and political parties;

(I) to protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

(J) to increase government revenues, including by enhancing tax collection, strengthening customs agencies, and reforming procurement processes;

(K) to implement reforms to strengthen educational systems, vocational training programs, and programs for at-risk youth;

(L) to resolve commercial disputes, including the confiscation of real property, between United States entities and the respective governments; and

(M) to implement a policy by which local communities, civil society organizations (including indigenous and marginalized groups), and local governments are consulted in the design, implementation and evaluation of the activities of the international development initiatives that affect such communities, organizations, or governments.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry this section, to remain available for obligation until the end of the 5-year period beginning on the date of the enactment of this Act.

(f) TERMINATION.—The United States Strategy on Engagement in Central America under subsection (b) shall terminate on December 31, 2023.

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SA 2856. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 28_____. LAND EXCHANGE, GULF ISLANDS NATIONAL SEASHORE.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the parcel of approximately 1.542 acres of land that is located within the Gulf Islands National Seashore in Jackson County, Mississippi, and identified as ''NPS Exchange Area'' on the Map.

(2) MAP.—The term ''Map'' means the map entitled ''Gulf Islands National Seashore, Proposed Land Exchange with VFW, Davis Bayou Area—Jackson County, MS'', numbered 635/133309, and dated June 2016.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of approximately 2.161 acres of land that is located in Jackson County, Mississippi, and identified as ''VFW Exchange Area'' on the Map.

(4) POST.—The term ''Post'' means the Veterans of Foreign Wars Post 5699.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) AUTHORIZATION OF EXCHANGE.—The Secretary may convey to the Post all right, title, and interest of the United States in and to the Federal land in exchange for the conveyance by the Post to the Secretary of all right, title, and interest of the Post in and to the non-Federal land.

(c) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The values of the Federal land and non-Federal land to be exchanged under this section shall be equal, as determined by an appraisal conducted—

(A) by a qualified and independent appraiser; and

(B) in accordance with nationally recognized appraisal standards.

(2) EQUALIZATION.—If the values of the Federal land and non-Federal land to be exchanged under this section are not equal, the values shall be equalized through—

(A) a cash payment; or

(B) adjustments to the acreage of the Federal land or non-Federal land to be exchanged, as applicable.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—As a condition of the exchange authorized under this section, the Secretary shall require the Post to pay the costs to be incurred by the Secretary, or to reimburse the Secretary for the costs incurred by the Secretary, to carry out the exchange, including—

(A) survey costs;

(B) any costs relating to environmental documentation; and

(C) any other administrative costs relating to the land exchange.

(2) REFUND.—If the Secretary collects amounts from the Post under paragraph (1) before the Secretary incurs the actual costs and the amount collected by the Secretary exceeds the costs actually incurred by the Secretary to carry out the land exchange under this section, the Secretary shall provide to the Post a refund of the excess amount paid by the Post.

(3) TREATMENT OF CERTAIN AMOUNTS RECEIVED.—Amounts received by the Secretary from the Post as reimbursement for costs incurred under paragraph (1) shall be—

(A) credited to the fund or account from which amounts were used to pay the costs incurred by the Secretary in carrying out the land exchange;

(B) merged with amounts in the fund or account to which the amounts were credited under subparagraph (A); and

(C) available for the same purposes as, and subject to the same conditions and limitations applicable to, amounts in the fund or account to which the amounts were credited under subparagraph (A).

(e) DESCRIPTION OF FEDERAL LAND AND NON-FEDERAL LAND.—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under this section shall be determined by surveys that are determined to be satisfactory by the Secretary and the Post.

(f) CONVEYANCE AGREEMENT.—The exchange of Federal land and non-Federal land under this section shall be—

(1) carried out through a quitclaim deed or other legal instrument; and

(2) subject to such terms and conditions as are mutually satisfactory to the Secretary and the Post, including such additional terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.

(g) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land authorized under this section shall be subject to valid existing rights.

(h) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this section shall be in a form acceptable to the Secretary.

(i) TREATMENT OF ACQUIRED LAND.—Any non-Federal land and interests in non-Federal land acquired by the United States under this section shall be administered by the Secretary as part of the Gulf Islands National Seashore.

(j) MODIFICATION OF BOUNDARY.—On completion of the exchange of Federal land and non-Federal land under this section, the Secretary shall modify the boundary of the Gulf Islands National Seashore to reflect the exchange of Federal land and non-Federal land.

SA 2857. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 12__. LIMITATION ON USE OF FUNDS FOR REDUCTION OF ACTIVE-DUTY MEMBERS OF THE ARMED FORCES DEPLOYED TO THE REPUBLIC OF KOREA.

None of the funds authorized to be appropriated by this Act may be obligated or expended to reduce the total number of members of the Armed Forces on active duty who are deployed to the Republic of Korea to fewer than 22,000 members of the Armed Forces until the date on which the Secretary of Defense submits to the congressional defense committees a certification that such a reduction is in the national security interest of the United States and will not significantly undermine the security of United States allies in the region.

SA 2858. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following: appropriate place, insert the following:

SEC. 1066. ESTABLISHMENT OF WILDFIRE AVIATION BUDGET LINE ITEM.

(a) IN GENERAL.—There is established in the Treasury of the United States a separate account to fund all costs associated with the maintenance, operation, contracting, purchase, and ownership of Federal wildland fire aviation assets, including the 7 demilitarized HC-130H aircraft with serial numbers 1706, 1708, 1709, 1713, 1714, 1719, and 1721 that were transferred to the Secretary of Agriculture by the Secretary of the Air Force under section 1098(a)(2)(A)(iii) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 882).

(b) PRESIDENTIAL BUDGET REQUESTS.—Beginning in fiscal year 2020 and each fiscal year thereafter, the Director of the Office of Management and Budget shall include as part of the annual budget of the Federal Government a unified request by the Department of Agriculture, the Department of the Interior, and the Department of Defense showing the total amount requested for the wildland fire aviation costs described in subsection (a).

(c) LIMITATION.—The Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense shall not use amounts appropriated to accounts of the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense, respectively, other than the account established by subsection (a), to carry out any activity described in that subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the account established by subsection (a) for fiscal year 2019 and each fiscal year thereafter a total amount of not more than $500,000,000 for the Department of Agriculture, the Department of the Interior, or the Department of Defense to be used for any costs described in subsection (a).

SA 2859. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 2282 proposed by Mr. INHOFE (for himself and Mr. MCCAIN) to the bill H.R. 5515, to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1066. ESTABLISHMENT OF BLUE RIBBON COMMISSION.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Secretary of Defense, shall establish a Blue Ribbon Commission (referred to in this section as the ''Commission'')—

(1) to study—

(A) the fixed-wing aircraft available to the Federal Government for wildfire suppression as of the date of the study; and

(B) the likely demand for fixed-wing aircraft for wildfire suppression over the 10-year period beginning on the date of enactment of this Act; and

(2) to submit to the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, and the relevant committees of Congress a report with specific recommendations for the safe and effective future of the Federal wildland fire aviation program.

(b) CONTENTS.—The report submitted under subsection (a)(2) shall include recommendations for—

(1) the types, quantities, and ownership and contracting models of the fixed-wing aircraft that should comprise the Federal fleet of wildfire suppression aircraft, specifically for very large airtankers, single-engine airtankers, water scoopers, and large airtankers, including—

(A) the modular airborne firefighting systems operated by the Secretary of the Air Force; and

(B) the 7 demilitarized HC-130H aircraft with serial numbers 1706, 1708, 1709, 1713, 1714, 1719, and 1721 that were transferred to the Secretary of Agriculture by the Secretary of the Air Force under section 1098(a)(2)(A)(iii) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 882); and

(2) agency policies governing—

(A) situations in which fixed-wing aircraft should be used for wildfire suppression; and

(B) situations in which fixed-wing aircraft should not be used due to safety, cost, or effectiveness concerns.

(c) CONSTRAINTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission shall assume, for the purposes of preparing the report required under subsection (a)(2), that the Federal fleet described in subsection (b)(1) will be funded with $500,000,000 annually.

(2) EXCEPTION.—If a recommendation of the Commission is deemed critical to the safe and effective operation of the fleet and would require an amount of funding in excess of $500,000,000 annually, the Commission shall include in the report a description of the recommendation and the approximate cost of implementing the recommendation.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. THUNE. Mr. President, I have 9 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, June 12, 2018, at 10 a.m. to conduct a hearing on the following nominations: Richard Clarida, of Connecticut, to be a Member of the Board of Governors, and to be Vice Chairman of the Board of Governors, and Michelle Bowman, of Kansas, to be a Member of the Board of Governors, both of the Federal Reserve System.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, June 12, 2018, at 10 a.m. to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 12, 2018, at 10 a.m. to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 12, 2018, at 10 a.m. to conduct a hearing on the following nominations: Jeffrey Kessler, of Virginia, to be an Assistant Secretary of Commerce, Elizabeth Ann Copeland, of Texas, and Patrick J. Urda, of Indiana, both to be a Judge of the United States Tax Court, and Amy Karpel, of Washington, and Randolph J. Stayin, of Virginia, both to be a Member of the United States International Trade Commission.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, June 12, 2018, at 2 p.m. to conduct a hearing.

COMMITTEE HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, June 12, 2018, at 10 a.m. to conduct a hearing entitled ''The Cost of Prescription Drugs: Examining the President's Blueprint American Patients First to Lower Drug Prices.''

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, June 12, 2018, at 10 a.m. to conduct a hearing entitled ''Examining the Chemical Facility Anti-Terrorism Standards Program.''

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, June 12, 2018, at 10 a.m. to conduct a hearing entitled ''Election Interference: Ensuring Law Enforcement is Equipped to Target Those Seeking to Do Harm.''

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, May 09, 2018, at 2:30 p.m. to conduct a closed hearing.

MEASURE READ THE FIRST TIME—H.R. 5895

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follow:

A bill (H.R. 5895) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

Mr. MCCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

CONGRATULATING THE WASHINGTON CAPITALS FOR WINNING THE 2018 STANLEY CUP HOCKEY CHAMPIONSHIP

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 542, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 542) congratulating the Washington Capitals for winning the 2018 Stanley Cup hockey championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 542) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

CONGRATULATING THE FLORIDA STATE UNIVERSITY SEMINOLES SOFTBALL TEAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 543, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 543) congratulating the Florida State University Seminoles softball team for winning the 2018 National Collegiate Athletic Association Women's College World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 543) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

CELEBRATING JUNE 11, 2018, AS THE 20TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES CORAL REEF TASK FORCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 544, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 544) celebrating June 11, 2018, as the 20th anniversary of the establishment of the United States Coral Reef Task Force.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 544) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

HONORING THE MEMORY OF THE VICTIMS OF THE TERRORIST ATTACK ON THE PULSE ORLANDO NIGHTCLUB ON JUNE 12, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 545, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 545) honoring the memory of the victims of the terrorist attack on the Pulse Orlando nightclub on June 12, 2016.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 545) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ALL CIRCUIT REVIEW ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 377, H.R. 2229.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2229) to amend title 5, United States Code, to provide permanent authority for judicial review of certain Merit Systems Protection Board decisions relating to whistleblowers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italic.)

H.R. 2229

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''All Circuit Review Act''.

SEC. 2. JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS RELATING TO WHISTLEBLOWERS.

(a) IN GENERAL.—Section 7703(b)(1)(B) of title 5, United States Code, is amended by striking ''During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, a petition'' and inserting ''A petition''.

(b) DIRECTOR REVIEW.—Section 7703(d)(2) of such title is amended by striking ''During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, this paragraph'' and inserting ''This paragraph''.

(c) RETROACTIVE EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 26, 2017.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment was agreed to.

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

The bill was read the third time.

The bill (H.R. 2229), as amended, was passed.

RECOGNIZING AND SUPPORTING THE EFFORTS OF THE UNITED BID COMMITTEE TO BRING THE 2026 FIFA WORLD CUP COMPETITION TO CANADA, MEXICO, AND THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committe on Commerce, Science, and Transportation be discharged from further consideration of H. Con. Res. 111 and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 111) recognizing and supporting the efforts of the United Bid Committee to bring the 2026 Federation Internationale de Football Association (FIFA) World Cup competition to Canada, Mexico, and the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 111) was agreed to.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, JUNE 13, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, June 13; 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, I ask that following leader remarks, the Senate resume consideration of H.R. 5515.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Wednesday, June 13, 2018, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 12, 2018:

DEPARTMENT OF HOMELAND SECURITY

CHRISTOPHER KREBS, OF VIRGINIA, TO BE UNDER SECRETARY FOR NATIONAL PROTECTION AND PROGRAMS, DEPARTMENT OF HOMELAND SECURITY.