SA 721. Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 720. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 724. Ms. STABENOW (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 725. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 726. Ms. WARREN (for herself and Ms. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 727. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 728. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 729. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 730. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 731. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 732. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 733. Mr. DAINES (for himself and Mr. TSINTSIRI) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 734. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 735. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 736. Mr. BURR (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 737. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 738. Mr. JERNIGAN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 739. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 740. Mr. INHOFE (for himself and Ms. SMITH, Ms. KLOBUCHAR, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 741. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 742. Mr. MARKEY (for himself and Mr. TSSLIN) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 743. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 744. Mr. WICKER (for himself and Ms. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 745. Mrs. CAPITO (for herself, Mr. CASPER, Mr. BARRASSO, Mr. GARDNER, Mrs. GILLIBRAND, Mrs. SHABEEB, Mr. SULLIVAN, and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 746. Mr. BURR (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 747. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 748. Mrs. FEINSTEIN (for herself and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 749. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 750. Mr. MCCONNELL (for himself and Mrs. BLACKBURN) proposed an amendment to the resolution S. Res. 235, designating June 12, 2019, as "Women Veterans Appreciation Day".

SEC. 1045. PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.

(a) POLICY.—It is the policy of the United States not to use nuclear weapons first.

(b) PROHIBITION.—Notwithstanding any other provision of law, the President may not use the Armed Forces of the United States to conduct a first-use nuclear strike unless such strike is conducted pursuant to a declaration of war by Congress that expressly authorizes such strike.

(c) FIRST-USE NUCLEAR STRIKE DEFINED.—In this section, the term “first-use nuclear strike” means an attack using nuclear weapons against an enemy that is conducted without the President determining that the enemy has first launched a nuclear strike against the United States or an ally of the United States.

SA 638. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 3605. MONITORING OF NOISE FROM FLIGHTS AND TRAINING OF EA-18G Growler Aircraft at Naval Air Station Whidbey Island.

(a) MONITORING.—In general.—(1) The Secretary of Defense shall provide for real-time monitoring of noise from local flights of EA-18G Growlers associated with Naval Air Station Whidbey Island, including field carrier landing practices at Naval Outlying Field (OLF) Coupeville and Ault Field.

(b) PUBLIC AVAILABILITY.—The Secretary shall publish the results of monitoring conducted under paragraph (a) on a publicly available Internet website of the Department of Defense.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the monitoring referred to in paragraph (a).
SA 640. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: In section 319, add at the end the following:

"(1) I N GENERAL.—Funds authorized for deposit in an account under paragraph (6) or (7) of subsection (a) may be obligated or expended only for the environmental remediation of perfluorooalkyl substances and polyfluoroalkyl substances at real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the Army National Guard or the Air National Guard."

SA 641. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: SEC. 2806. REPORT ON UNFUNDED REQUIREMENTS FOR MAJOR AND MINOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS.

"(1) I N GENERAL.—The Secretary shall submit to the congressional defense committees a report and briefing that includes—

(A) a plan for development of the Department of Defense centers; and

(B) a plan to ensure full and equitable use of such centers.

"(2) CONTENTS.—The report submitted under subsection (a) shall include the following:

(a) A list of unfunded requirements of military construction projects included in the report submitted.

(b) A description of the projects included in the report.

"(3) USE OF AMOUNTS.—For each military construction project included in the report submitted, the Secretary shall ensure that—

(A) the project is consistent with the goals and objectives contained in the report submitted under subsection (a); and

(B) the project is included in the list of unfunded requirements included in the report submitted under subsection (a).

SEC. 2807. REPORT ON UNFUNDED REQUIREMENTS FOR MAJOR AND MINOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS.

"(1) I N GENERAL.—Not later than 90 days after the date on which the phase 2 award is announced, and annually thereafter for the duration of phase 2, the Secretary shall submit to the congressional defense committees a report and briefing that includes—

(A) a plan for the Department of Defense to provide additional funding for programs that are consistent with the goals and objectives contained in the report submitted under subsection (a); and

(B) a description of the projects included in the report submitted under subsection (a)."
(i) findings with respect to the accuracy and adequacy of the report; and
(ii) recommendations to improve the ad-
ministration of the National Security Space
Launch Program, including sustained com-
petition for launch service procurement.

SA 643. Mr. VAN HOLLOW (for him-
self, Mr. TOOMEY, Mr. BROWN, Mr.
PORTMAN, Mr. MARKET, Mr. GARDNER,
and Mr. CRUZ) submitted an amend-
ment intended to be proposed by him to
the bill S. 1790, to authorize appro-
priations for fiscal year 2020 for mili-
tary construction, and for military activi-
ties of the Depart-
ment 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 division A, add the following:

TITLE XVII—OTTO WARMBIER BANKING
RESTRICTIONS INVOLVING NORTH
KOREA ACT OF 2019

SEC. 1701. SHORT TITLE.

This Act may be cited as the “Otto
Warmbier Banking Restrictions Involv-
ing North Korea Act of 2019”.

Subtitle A—Sanctions With Respect to North
Korea

SEC. 1711. FINDINGS.

Congress finds the following:

(A) Since 2006, the United Nations Security
Council has adopted 19 resolutions impos-
ing sanctions against North Korea under chapter
VII of the United Nations Charter, which—
(1) prohibit the use, development, and pro-
duction of weapons of mass destruction by
North Korea;
(2) prohibit the supply, sale, or transfer of arms and related mater-
ial to or from North Korea;
(3) prohibit the transfer of luxury goods to
North Korea;
(4) restrict access by North Korea to fi-
nancial services that could contribute to nu-
clear, missile, or other programs related to
the development of weapons of mass destruc-
tion;
(5) require member states of the United
Nations to close representative offices, sub-
sidaries, and bank accounts in North Korea;
(6) require member states of the United
Nations to seize, inspect, and impound any
commercial entities or expanding joint ven-
tures with North Korea;
(7) require member states of the United
Nations to freeze the financial assets of North
Korea; and
(8) prohibit trade in statatory of North Ko-
era origin.

The Government of North Korea has
threatened to carry out nuclear attacks
against the United States, South Korea, and
Japan.

The Government of North Korea tested its sixth and largest nuclear device on

According to a report by the Inter-
national Atomic Energy Agency released in
August 2018, “The continuation and further development of the DPRK’s nuclear pro-
gramme and related statements by the
Government of North Korea are a cause for grave concern. The
DPRK’s nuclear activities, including those in relation to the Yongbyon Experimental Nu-
clear Power Plant (5 MW(e)) reactor, the use of the building which houses the reported
centrifuge enrichment facility and the con-
struction at the light water reactor, as well as the DPRK’s sixth nuclear test, are clear
violations of relevant UN Security Council
resolutions, including resolution 2375 (2017) and are deeply regrettable.”.

In July 2018, Secretary of State Mike
Pompeo testified to the Committee on For-
eign Relations of the Senate that North
Korea “continues to pose an ex-
treme threat to the United States and
allies... the regime in Pyongyang must be con-
strained to limit the authority of the Presi-
dent to fully engage in diplomatic negotia-
tions. Congress must act to clearly re-
move the President’s ability to lift or relax
trade embargos.”

The 2019 Missile Defense Review con-
ducted by the Department of Defense states
that North Korea “continues to pose an ex-
treme threat to the United States and
allies... the regime in Pyongyang must be con-
strained to limit the authority of the Presi-
dent to fully engage in diplomatic negotia-
tions. Congress must act to clearly re-
move the President’s ability to lift or relax
trade embargos.”

In this subtitle, the terms “applicable Ex-
ecutive order”, “applicable United Nations
Security Council resolution”, “appropriate congressional committees”, “Congressional
committees”, “Government of North Korea”, “North Korea”, and “North Korea
financial institution” have the meanings
given those terms in section 3 of the North Korea Sanctions and Policy En-

PART I—EXPANSION OF SANCTIONS AND
RELATED MATTERS

SEC. 1721. SANCTIONS WITH RESPECT TO FER-
EIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SER-
VICES TO CERTAIN SANCTIONED PER-
SONS.

(a) In General.—Title II of the North
Korea Sanctions and Policy Enhancement
Act of 2016 (22 U.S.C. 9221 et seq.) is amended
by inserting after the item relating to sec-
tion 12, the following:

SEC. 201B. SANCTIONS WITH RESPECT TO FER-
EIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SER-
VICES TO CERTAIN SANCTIONED PER-
SONS.

(1) In General.—The Secretary of the
Treasury shall impose one or more of the
sanctions described in subsection (b) with re-
spect to a foreign financial institution that
against entities in the United States, South
Korea, and around the world.

In November 2017, President Donald
Trump designated the government of North
Korea as a state sponsor of terrorism pur-
suant to authorities under the Export Adminis-
tration Act of 1979 (50 U.S.C. App. 2401 et seq.), as continued in effect at the time
under the International Econ-
omic Powers Act (50 U.S.C. 1701 et seq.),
the Foreign Assistance Act of 1961 (22 U.S.C.
2151 et seq.), and the Arms Export Control
Act (22 U.S.C. 2753 et seq.).

On February 22, 2018, the Secretary of
State determined that the Government of
North Korea was responsible for the lethal
nuclear and ballistic missile attacks on the
half-brother of North Korean leader Kim
Jong-un, in Malaysia, triggering sanctions
required under the Chemical and Biological
Weapons Control and Warfare Elimination

(1) The strict enforcement of sanctions
is essential to the efforts of the international
community to achieve the peaceful, com-
plete, verifiable, and irreversible dismantle-
ment of weapons of mass destruction pro-
grams of the Government of North Korea.

It is the sense of Congress that—

(1) the United States is committed to
working with its allies and partners to halt
the nuclear and ballistic missile programs of North Korea through a policy of maximum
pressure and diplomatic engagement;

(2) the imposition of sanctions, including
the sanctions described in this title, should
not be construed to limit the authority of the Presi-
dent to fully engage in diplomatic negotia-
tions to further the policy objective de-
scribed in paragraph (1);

(3) the successful use of sanctions to halt
the nuclear and ballistic missile programs of North Korea is part of a broader diplomatic
and economic strategy to achieve effec-
tive coordination among relevant Federal
agencies and officials, as well as with inter-
national partners of the United States; and

(4) the coordination described in paragraph
(3) should include proper vetting of external
messaging and communications from all parts of the Executive branch to ensure that
those communications are an intentional
component of and aligned with the strategy
of the United States with respect to North
Korea.

SEC. 1722. DEFINITIONS.

This subtitle, the terms “applicable Ex-
ecutive order”, “applicable United Nations
Security Council resolution”, “appropriate congressional committees”, “Government of
North Korea”, “North Korea”, and “North Korea
financial institution” have the meanings
given those terms in section 3 of the North Korea Sanctions and Policy En-

PART I—EXPANSION OF SANCTIONS AND
RELATED MATTERS

SEC. 1721. SANCTIONS WITH RESPECT TO FER-
EIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SER-
VICES TO CERTAIN SANCTIONED PER-
SONS.

(a) In General.—Title II of the North
Korea Sanctions and Policy Enhancement
Act of 2016 (22 U.S.C. 9221 et seq.) is amended
by inserting after the item relating to sec-
tion 12, the following:

SEC. 201B. SANCTIONS WITH RESPECT TO FER-
EIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SER-
VICES TO CERTAIN SANCTIONED PER-
SONS.

(1) In General.—The Secretary of the
Treasury shall impose one or more of the
sanctions described in subsection (b) with re-
spect to a foreign financial institution that
against entities in the United States, South
Korea, and around the world.
the Secretary determines, on or after the date that is 90 days after the date of the enactment of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019, knowing or having significant reason to believe that financial services to any person designated for the imposition of sanctions under—

(1) a subsection of the references to subsections or of title 19; or

(2) a rule issued by the Treasury.

SEC. 1720. SANCTIONS AGAINST FOREIGN FINANCIAL INSTITUTIONS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and the leaders of the Senate and the House of Representatives a report setting forth the findings of the Secretary regarding how the Government of North Korea is exploiting laws with respect to the beneficial owner of an entity in order to access the international financial system.

(b) ELEMENTS.—The Secretary shall include in the report required under this subsection—

(1) a description of the designated persons that are state sponsors of terrorism;

(2) the extent to which the designated persons have been sanctioned under the Foreign Relations Authorization Act, Public Law 115-144, and any recommendations for the Secretary to take action to block assets of, or restrict transactions with, the designated persons;

(3) any other provision of title 31, Code of Federal Regulations; or

(4) any other provision of United Nations Security Council resolution.

(c) Definitions.—In this section:

(1) Appropriate congressional committees.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate;

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(2) Applicable United Nations Security Council resolution.—The term ‘applicable United Nations Security Council resolution’ means—

(A) North Korea financial institution; and

(B) North Korean person.

SEC. 1721. MODIFICATION OF REPORT ON IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS BY OTHER GOVERNMENTS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and the leaders of the Senate and the House of Representatives a report setting forth the findings of the Secretary regarding how the Government of North Korea is exploiting laws with respect to the beneficial owner of an entity in order to access the international financial system.

(b) Elements.—The Secretary shall include in the report required under this subsection—

(1) a description of the designated persons that are state sponsors of terrorism;

(2) the extent to which the designated persons have been sanctioned under the Foreign Relations Authorization Act, Public Law 115-144, and any recommendations for the Secretary to take action to block assets of, or restrict transactions with, the designated persons;

(3) any other provision of title 31, Code of Federal Regulations; or

(4) any other provision of United Nations Security Council resolution.

(c) Definitions.—In this section:

(1) Appropriate congressional committees.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(2) Applicable United Nations Security Council resolution.—The term ‘applicable United Nations Security Council resolution’ means—

(A) North Korea financial institution; and

(B) North Korean person.

SEC. 1724. MODIFICATION OF REPORT ON IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS BY OTHER GOVERNMENTS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and the leaders of the Senate and the House of Representatives a report setting forth the findings of the Secretary regarding how the Government of North Korea is exploiting laws with respect to the beneficial owner of an entity in order to access the international financial system.

(b) Elements.—The Secretary shall include in the report required under this subsection—

(1) a description of the designated persons that are state sponsors of terrorism;

(2) the extent to which the designated persons have been sanctioned under the Foreign Relations Authorization Act, Public Law 115-144, and any recommendations for the Secretary to take action to block assets of, or restrict transactions with, the designated persons;

(3) any other provision of title 31, Code of Federal Regulations; or

(4) any other provision of United Nations Security Council resolution.

(c) Definitions.—In this section:

(1) Appropriate congressional committees.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(2) Applicable United Nations Security Council resolution.—The term ‘applicable United Nations Security Council resolution’ means—

(A) North Korea financial institution; and

(B) North Korean person.

SEC. 1725. REPORT ON USE BY THE GOVERNMENT OF NORTH KOREA OF BENEFICIAL OWNERSHIP RULES TO ACCESS THE INTERNATIONAL FINANCIAL SYSTEM.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and the leaders of the Senate and the House of Representatives a report setting forth the findings of the Secretary regarding how the Government of North Korea is exploiting laws with respect to the beneficial owner of an entity in order to access the international financial system.

(b) Elements.—The Secretary shall include in the report required under this subsection—

(1) a description of the designated persons that are state sponsors of terrorism;

(2) the extent to which the designated persons have been sanctioned under the Foreign Relations Authorization Act, Public Law 115-144, and any recommendations for the Secretary to take action to block assets of, or restrict transactions with, the designated persons;

(3) any other provision of title 31, Code of Federal Regulations; or

(4) any other provision of United Nations Security Council resolution.

(c) Definitions.—In this section:

(1) Appropriate congressional committees.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

(2) Applicable United Nations Security Council resolution.—The term ‘applicable United Nations Security Council resolution’ means—

(A) North Korea financial institution; and

(B) North Korean person.
(c) Form.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SEC. 1733. BRIEFINGS ON IMPLEMENTATION AND ENFORCEMENT OF SANCTIONS.

Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall provide to the appropriate congressional committees a briefing on efforts relating to the implementation and enforcement of United States sanctions with respect to North Korea, and appropriate updates on the efforts of the Department of the Treasury to address compliance with such sanctions by foreign financial institutions.

SEC. 1734. REPORT ON FINANCIAL NETWORKS AND THE GOVERNMENT OF NORTH KOREA.

(a) Report Required.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2025, the President shall submit to the appropriate congressional committees a report on sources of external support for the Government of North Korea that includes—

(A) a description of the methods used by the Government of North Korea to raise, transmit, or conceal funds, including through the use of stolen or fabricated passports or other travel documents; and

(B) an assessment of the relationship between the proliferation of weapons of mass destruction by the Government of North Korea and the financial industry or financial institutions;

(C) an assessment of the relationship between the acquisition by the Government of North Korea of military expertise, equipment, and technology that are made with significant amounts of North Korean labor, material, or goods, including minerals, manufacturing, seafood, overseas labor, or other exports from North Korea;

(D) an assessment of the involvement of any person in human trafficking involving citizens or nationals of North Korea;

(E) an assessment of how the President plans to address the flow of funds generated by activities described in subparagraphs (A) through (E), including through the use of sanctions or other tools;

(F) an assessment of the extent to which the Government of North Korea engages in criminal activities, including money laundering, to support that Government;

(G) information relating to the identification, blocking, and release of property described in section 201(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016, as added by section 1721;

(I) a description of the metrics used to measure the effectiveness of law enforcement initiatives of Federal, State, and foreign governments to comply with the provisions of applicable United Nations Security Council resolutions; and

(J) an assessment of the effectiveness of programs within the financial industry to ensure compliance with United States sanctions, applicable United Nations Security Council resolutions, and applicable Executive orders.

(b) Interagency Coordination.—The President shall ensure that any information collected pursuant to subsection (a) is shared among the appropriate departments and Federal, State, and local governments involved in investigations described in section 102(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9212(b)).

SEC. 1735. REPORT ON COUNTRIES OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO NORTH KOREA.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2023, the Director of National Intelligence shall submit to the President, the Secretary of Defense, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, to an entity owned or controlled by the Government of North Korea.

(b) Form.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

PART II—GENERAL MATTERS

SEC. 1741. RULEMAKING.

The President shall prescribe such rules and regulations as may be necessary to carry out this subtitle and amendments made by this subtitle.

SEC. 1742. AUTHORITY TO CONSOLIDATE REPORTS.

(a) In general.—Any and all reports required to be submitted to the appropriate congressional committees under this subtitle or an amendment made by this subtitle that are subject to a deadline for submission consisiting of the same or equivalent amount of time may be consolidated into a single report that is submitted pursuant to that deadline.

(b) CONTENTS.—Any report consolidated under subsection (a) shall contain all information required under this subtitle or an amendment made by this subtitle and any other elements that may be required by existing law.

SEC. 1743. WAIVERS, EXEMPTIONS, AND TERMINATION.

(a) Application and Modification of Exemptions and Waivers From North Korea Sanctions and Policy Enhancement Act of 2016.—Section 206 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9223) is amended—

(1) by inserting “201B,” after “201A,” each time it appears; and

(2) in subsection (c), by inserting “, not less than 15 days before the waiver takes effect,” after “if the President”.

(b) Submission.—

(1) In general.—Subject to section 1731, any requirement to impose sanctions under this subtitle or the amendments made by this subtitle may be suspended for up to one year if the President makes the certification described in subsection (a)(1) of section 401 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9251) to the appropriate congressional committees.

(2) Eligible persons.—

(A) In general.—A suspension under paragraph (1) may be renewed in accordance with section 401(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9252). The President may submit such a suspension as an amendment to this Act.

(B) Duration.—A suspension under paragraph (1) may be renewed in accordance with section 401(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9252).

(c) Termination.—Subject to section 1731, any requirement to impose sanctions under this subtitle or the amendments made by this subtitle may be suspended for up to one year if the President makes the certification described in subsection (a)(1) of section 401 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9252).

SEC. 1744. PROCEDURES FOR REVIEW OF CLASSIFIED INFORMATION.

(a) In general.—If a finding under this subtitle or an amendment made by this subtitle, a prohibition, condition, or penalty imposed under this subtitle or an amendment made by this subtitle, is based on classified information (as defined in section 3(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty imposed under this subtitle or an amendment made by this subtitle, the Department of Justice may submit such information to the court ex parte and in camera.

(b) Rule of Construction.—Nothing in this Act shall be construed to require the Department or the Secretary of the Treasury to support or imply any right to judicial review of any finding under this subtitle or an amendment made by this subtitle, any prohibition, condition, or penalty imposed under this subtitle or an amendment made by this subtitle.

SEC. 1745. BRIEFING ON RESOURCING OF SANCTIONS PROGRAMS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall provide to the appropriate congressional committees a briefing on the Department of the Treasury to support each sanctions program administered by the Department; and any recommendations for additional authorities or resources necessary to expand the capacity or capability of the Department related to implementation and enforcement of such programs.

SEC. 1746. BRIEFING ON PROLIFERATION FINANCING.

(a) In general.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall provide to the appropriate congressional committees a briefing on addressing proliferation financing.

(b) Elements.—The briefing required by subsection (a) shall include the following:

(1) An explanation of the definition and description of an appropriate risk-based approach to combating financing of the proliferation of weapons of mass destruction.

(2) An assessment of—

(A) Federal financial regulatory agency oversight, including by the Financial Crimes Enforcement Network, of United States financial institutions and the adoption by their foreign subsidiaries, branches, and correspondent institutions of a risk-based approach to proliferation financing; and

(B) whether financial institutions in foreign jurisdictions known by the United States intelligence and law enforcement communities to be involved in proliferation financing are subject to a risk-based approach to proliferation financing that is comparable to the approach required by United States financial institution supervisors.

(3) A survey of the technical assistance the Office of Technical Assistance of the Department of the Treasury, and other appropriate Executive branch offices, currently provide foreign institutions on implementing a risk-based approach to proliferation financing.

(4) An assessment of the ability of foreign subsidiaries, branches, and correspondent institutions of United States financial institutions to implement a risk-based approach to proliferation financing.
Subtitle B—Divestment From North Korea

SEC. 1751. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM COMPANIES THAT INVEST IN NORTH KOREA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support any State or local government made for moral, prudential, or reputational reasons, to divest from, or prohibit investment of the assets of the State or local government from, or prohibit investment in assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities described in subsection (c) if North Korea is subject to economic sanctions imposed by the United States or the United Nations Security Council.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment in assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—Investment activities described in this subsection are activities of a value of more than $10,000 relating to an investment in North Korea or in goods or services originating in North Korea that is not conducted pursuant to a license issued by the Department of the Treasury.

(d) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person with respect to which a measure under this section is to be applied.

(2) TIMING.—The measure applied under this section shall apply to a person not earlier than the date that is 90 days after the date on which written notice under paragraph (1) is provided to the person.

(e) OPPORTUNITY TO DEMONSTRATE COMPLIANCE.—

(A) IN GENERAL.—The State or local government shall provide to each person with respect to which a measure under this section is to be applied, an opportunity to demonstrate to the State or local government that the person does not engage in investment activities described in subsection (c).

(B) NONAPPLICATION.—If a person with respect to which a measure is to be applied under this section demonstrates to the State or local government under subparagraph (A) that the person does not engage in investment activities described in subsection (c), the measure shall not apply to that person.

(f) AUTHORIZATION FOR PRIOR APPLIED MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d), except as provided in paragraph (2)) applied by the State or local government before the date of the enactment of this Act that provides for divestiture or a measure described in subsection (c) if North Korea is subject to economic sanctions imposed by the United States or the United Nations Security Council.

(2) A MEASURE APPLIED UNDER SUBPARAGRAPH (A) SHALL NOT APPLY TO A PERSON.—

A measure described in paragraph (1) shall not apply to a person determined by the State or local government under this section to demonstrate to the State or local government an opportunity to demonstrate compliance with the requirements of subsection (d), except as provided in paragraph (2).

(g) NO PREEMPTION.—A measure applied by a State or local government that is consistent with subsection (b) or (f) is not preempted by any Federal law.

(h) DEFINITIONS.—In this section:

(1) ASSET.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘‘asset’’ means any fund, including any pension, retirement, annuity, endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ‘‘asset’’ does not include any employee benefit plan covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) INVESTMENT.—The term ‘‘investment’’ includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the purchase, issuance, or renewal of a contract for goods or services.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures applied by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Except as provided in subsection (f), subsections (d) and (e) apply to measures applied by a State or local government on or after the date of the enactment of this Act.

SEC. 1752. SAFE HARBOR FOR CHANGES IN INVESTMENT POLICIES BY ASSET MANAGERS.

Section 13(c)(1) of the Investment Company Act of 1940 (58 Stat. 804–808; 15 U.S.C. 80a–13(c)(1)) is amended—

(1) in subparagraph (A), by striking ‘‘or’’ at the end;

(2) in subparagraph (B), by striking the period and inserting ‘‘; or’’; and

(3) by adding at the end the following:

‘‘(C) engage in investment activities described in section 1751(c) of the Otto Warner Robins Banking Restrictions Involving North Korea Act of 2018.’’.

SEC. 1753. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that—

(1) a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person that the fiduciary determines engages in investment activities described in section 1751(c), if—

(A) the fiduciary makes that determination using credible information that is available to the public; and

(B) the fiduciary prudently determines that it is consistent with the plan’s investment policy and that avoidance of investment would not be expected to provide the employee benefit plan with—

(i) a lower rate of return than alternative investments with commensurate degrees of risk; or

(ii) a higher degree of risk than alternative investments with commensurate rates of return; and

(2) by divesting assets or avoiding the investment of assets as described in paragraph (1), a fiduciary is not breaching the responsibilities, obligations, or duties imposed upon the fiduciary by subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1)).

SEC. 1754. RULE OF CONSTRUCTION.

Nothing in this subtitle, an amendment made by this subtitle, or any provision of law authorizing sanctions with respect to North Korea shall be construed to affect or displace—

(1) the authority of a State or local government to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction;

(2) the regulation and taxation by the several States of the business of insurance, pursuant to the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the ‘‘McCarran-Ferguson Act’’).

Subtitle C—Financial Industry Guidance to Combat Human Trafficking

SEC. 1761. SHORT TITLE.

This subtitle may be cited as the Financial Industry Guidance to Combat Human Trafficking Act.”

SEC. 1762. FINDINGS.

Congress finds the following:

(1) The terms ‘‘human trafficking’’ and ‘‘trafficking in persons’’ are used interchangeably to describe crimes involving the exploitation of a person for the purposes of compelled labor or commercial sex through the use of force, fraud, or coercion.

(2) According to the International Labour Organization, there are an estimated 21,900,000 people worldwide who are victims of forced labor, including human trafficking victims in the United States.

(3) Human trafficking is perpetrated for financial gain.

(4) According to the International Labour Organization, the trafficking in persons market is estimated at $150,000,000,000 or more in global profits generated annually from human trafficking—

(A) approximately ¾ are generated by commercial sexual exploitation, exacted by fraud or by force; and

(B) approximately ½ are generated by forced labor.

(5) Most purchases of commercial sex acts are paid for with cash, making trafficking proceeds difficult to identify in the financial system. Nonetheless, traffickers rely heavily on access to financial institutions as destinations for trafficking proceeds and as conduits to finance every step of the trafficking process.

(6) Under section 1956 of title 18, United States Code (relating to money laundering), human trafficking is a ‘‘specified unlawful activity’’ and transactions conducted with proceeds earned from trafficking people, or used to further trafficking operations, can be prosecuted as money laundering offenses.

SEC. 1763. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should aggressively apply, as appropriate, existing sanctions for human trafficking authorized under section 111 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108);

(2) the Financial Crimes Enforcement Network of the Department of the Treasury should work with financial institutions to—

(A) to monitor reporting required under subchapter II of chapter 53 of title 31, United
States Code (commonly known as the “Bank Secrecy Act”) and to update advisories, as warranted; (B) to periodically review its advisories to provide relevant institutions with succinct, appropriate, with a list of new red flags for identifying activities of concern, particularly human trafficking; (C) to encourage entities covered by the advisories described in subparagraph (B) to incorporate relevant elements provided in the advisories into their current transaction and account monitoring systems or, in policies, procedures, and training on human trafficking to enable financial institutions to maintain ongoing efforts to examine transaction and accounts; and (D) to use geographic targeting orders, as appropriate, to impose additional reporting and recordkeeping requirements under section 5326(a) of title 31, United States Code, to carry out the purposes of, and prevent evasions of the Bank Secrecy Act; and (E) to utilize the Bank Secrecy Act Advisory Group and other relevant entities to identify opportunities for nongovernmental organizations to share relevant actionable information on ‘‘money launderers’’ use of the financial sector for nefarious purposes; (3) Federal banking regulators, the Department of the Treasury, relevant law enforcement agencies, the Financial Action Task Force, and the Financial Crimes Enforcement Network, through the Human Smuggling and Trafficking Center, in partnership with representatives from the United States financial community, should adopt regular formal information sharing mechanisms to combat human trafficking, including developing protocols and procedures to share actionable information between and among covered financial institutions, law enforcement, and the United States intelligence community; (4) training front line bank and money services employees, law enforcement, law enforcement officers, foreign service officers, counselors, and the general public is an important factor in identifying trafficking victims; (5) the Department of Homeland Security’s Blue Campaign, training by the BEST Employers Alliance, and similar efforts by industry, human rights, and nongovernmental organizations focused on human trafficking provide good examples of current efforts to educate employees of critical sectors to save victims, disrupt trafficking, and send a message to human traffickers (E) encouraging the report of any financial anomalies or suspicious activity, and disseminating, consistent, multilateral strategy for international fora, such as the United Nations, to coordinate the efforts of foreign governments, and multilateral fora, in the enforcement of this subpart; (6) the President should intensify diplomatic efforts, bilaterally and in appropriate international forums, to combat human trafficking, including developing protocols and procedures to share actionable information between and among covered financial institutions, law enforcement, the United States intelligence community; (4) training front line bank and money services employees, law enforcement officers, foreign service officers, counselors, and the general public is an important factor in identifying trafficking victims; (5) the Department of Homeland Security’s Blue Campaign, training by the BEST Employers Alliance, and similar efforts by industry, human rights, and nongovernmental organizations focused on human trafficking provide good examples of current efforts to educate employees of critical sectors to save victims, disrupt trafficking, and send a message to human traffickers; (B) encourage cooperation by foreign governments, and relevant international fora in identifying the extent to which the proceeds of human trafficking are being used to facilitate terrorist financing, corruption, or other illicit financial crimes; (B) encourage cooperation by foreign governments and relevant international fora in identifying the extent to which the proceeds of human trafficking are being used to facilitate terrorist financing, corruption, or other illicit financial crimes; (C) advance policies that promote the cooperation of foreign governments, through information sharing, training, or other measures, in the enforcement of this subtitle; (D) encourage the Financial Action Task Force to adopt money laundering and other illicit financial tools to combat human trafficking; (E) as subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and (2) by inserting after subparagraph (D) the following: ‘‘(E) combating illicit financing relating to human trafficking;’’; (B) Interagency Coordination.—Section 312(a) of such title is amended by adding at the end the following: ‘‘(B) other Federal agencies, including— (i) the Office to Monitor and Combat Trafficking in Persons of the Department of State; and (ii) the Interagency Task Force to Monitor and Combat Trafficking; (C) State and local law enforcement agencies; and; (D) foreign governments.”. SEC. 1765. STRENGTHENING THE ROLE OF ANTI-MONEY LaunderING AND OTHER ILICIT FINANCIAL TOOLS IN COMBATING HUMAN TRAFFICKING. (a) Interagency Task Force Recommendations Targeting Money Laundering Related to Human Trafficking.— (1) In general.—Not later than 270 days after the date of the enactment of this Act, the Interagency Task Force to Monitor and Combat Trafficking shall submit to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives, the Secretary of the Treasury, and each appropriate Federal banking agency— (A) an analysis of anti-money laundering efforts of the United States Government, Federal financial institutions, and multilateral development banks related to human trafficking; and (B) appropriate legislative, administrative, and executive actions to strengthen efforts against money laundering relating to human trafficking. (2) Required Recommendations.—The recommendations under paragraph (1) shall include— (A) best practices based on successful anti-human trafficking programs currently in place at domestic and any foreign financial institutions that are suitable for broader adoption; (B) feedback from stakeholders, including victims of severe trafficking in persons, advocates of persons at risk of becoming victims of severe forms of trafficking in persons, the United States Advisory Council on International Financial Institutions, and the appropriate law enforcement agencies; and (C) as subparagraphs (F), (G), and (H), respectively; and (2) by inserting after subparagraph (D) the following: ‘‘(E) combating illicit financing relating to human trafficking;’’; (B) Interagency Coordination.—Section 312(a) of such title is amended by adding at the end the following: ‘‘(B) other Federal agencies, including— (i) the Office to Monitor and Combat Trafficking in Persons of the Department of State; and (ii) the Interagency Task Force to Monitor and Combat Trafficking; (C) State and local law enforcement agencies; and; (D) foreign governments.”. SEC. 1766. SENSE OF CONGRESS ON RESOURCES TO COMBAT HUMAN TRAFFICKING. It is the sense of Congress that— (1) adequate funding be provided for critical Federal efforts to combat human trafficking; (2) the Department of the Treasury should have at its disposal the Federal tools to investigate human trafficking networks under section 111 of the Trafficking Victims
Protection Act of 2000 (22 U.S.C. 7108) and other relevant statutes and Executive orders;
(3) the Department of the Treasury and the Department of Justice should each have the capacity and appropriate resources to support technical assistance to develop foreign partners’ ability to combat human trafficking, including appropriate anti-money laundering and countering the financing of terrorism programs;
(4) each United States Attorney’s Office should determine whether additional resources are required to increase the number of personnel for community education and outreach and investigative support and forensic analysis related to human trafficking;
(5) the Department of State should be provided additional resources, as necessary, to carry out the Survivors of Human Trafficking Protection Act (section 115 of the McKinney-Vento Homeless Assistance Act (as that term is defined in section 103 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794)), and to carry out the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108) and the Victims of Foreign Financial Crime Profiling Act of 2010 (22 U.S.C. 7110).

SEC. 2815. MODIFICATION OF AUTHORIZED USES OF CERTAIN PROPERTY CONVEYED BY THE UNITED STATES IN LOS ANGELES, CALIFORNIA.

(a) IN GENERAL.—Section 2 of Public Law 85-236 (71 Stat. 517) is amended in the first sentence by inserting after “for other military purposes” the following: “and for purposes of meeting the needs of the homeless (as that term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302))”.

(b) MODIFICATION OF USE.—

(1) APPLICATION.—The State of California may modify the use of the property conveyed pursuant to section 2 of Public Law 85-236 for purposes of meeting the needs of the homeless (as that term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)).

(2) REVIEW OF APPLICATION.—

(A) IN GENERAL.—Not later than 60 days after the Administration of General Services has received an application for the use of the property conveyed pursuant to section 2 of Public Law 85-236 for purposes of meeting the needs of the homeless (as that term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)), the Administrator shall request concurrence by the Secretary of the Army that the proposed use of the property described in the application is for purposes of meeting the needs of the homeless, the Administrator shall execute and record in the appropriate office an instrument of modification of the deed of conveyance executed pursuant to Public Law 85-236 in order to authorize such use of the property. The instrument shall include such additional terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

SEC. 645. MR. BLUMENTHAL (for himself, Mrs. MURRAY, Mr. MARKLEY, Mr. HEINRICH, Mr. LEAHY, Mr. WHITEHOUSE, and Mr. BOOKER) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, insert the following:

SECTION 645. REQUIREMENT TO REPORT OFFERS BY FOREIGN NATIONALS TO MAKE PROHIBITED CONTRIBUTIONS, DONATIONS, EXPENDITURES, OR DISBURSEMENTS.

(a) SHORT TITLE.—This section may be cited as the “Duty To Report Act”.

(b) MODIFICATION OF USE.—

(1) SHORT TITLE.—This section may be cited as the “Duty To Report Act”.

(2) FINDINGS.—Congress makes the following findings:

(A) Political contributions and express-advocacy expenditures are an integral aspect of the process by which Americans elect officials to Federal, State, and local government offices.

(B) It is fundamental to the definition of a national political community that foreign citizens have a constitutional right to participate in, and thus may be excluded from, activities of democratic self-governance.

(C) The United States has a compelling interest in limiting the participation of foreign citizens in activities of democratic self-governance, and in thereby preventing foreign influence over the United States political process.

(D) Foreign donations and expenditures have a corrupting influence on the campaign process and may destroy the democratic legitimacy of foreign citizens in our elections is necessary to preserve the basic conception of a political community and democratic self-governance.

(c) REPORTING OF OFFERS OF PROHIBITED CONTRIBUTIONS, DONATIONS, EXPENDITURES, OR DISBURSEMENTS BY FOREIGN NATIONALS TO THE FEDERAL ELECTION COMMISSION.

(1) IN GENERAL.—If a political committee, an agent of the committee, or in the case of an authorized committee of a candidate for Federal office, a candidate, meets with a foreign government or an agent of a foreign principal, as defined in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611), the committee shall, within 24 hours of receiving the offer, report to the Commission:

(i) the extent known, the name, address, and nationality of the foreign national making the offer; and

(ii) the amount and type of contribution, donation, expenditure, or disbursement offered.

(2) REPORTING MEETINGS WITH FOREIGN GOVERNMENTS OR THEIR AGENTS.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by paragraph (1), is amended by adding at the end the following new subsection:

“(k) DISCLOSURE OF MEETINGS WITH FOREIGN GOVERNMENTS OR THEIR AGENTS.—“(1) in general.—Except as provided in paragraph (2), if a political committee, an agent of the committee, or in the case of an authorized committee of a candidate for Federal office, a candidate, each have a corrupting influence on the campaign process, and may destroy the democratic legitimacy of foreign citizens in our elections, is necessary to preserve the basic conception of a political community and democratic self-governance.

(2) EXCEPTION FOR MEETINGS IN OFFICIAL CAPACITY.—Paragraph (1) shall not apply with respect to a meeting with a foreign government or an agent of a foreign principal by an elected official or as an employee of an elected official in their official capacity as such an official or employee.

(3) PROMULGATION OF REGULATIONS.—Not later than one year after the date of enactment of this Act, the Federal Election Commission shall promulgate regulations providing additional indicators beyond the pertinent facts described in section 110.20(a)(5) of the Federal Election Code of Federal Regulations (as in effect on the date of enactment of this Act) that may lead a reasonable person to conclude that there is a substantial probability that the source of the funds solicited, accepted, or received is a foreign national, as defined in section 319(b) of the Federal Election Act of 1971 (52 U.S.C. 30121(b)), or inquiring whether the source of the funds solicited, accepted, or received is a foreign national, as so defined. Regulations promulgated under the preceding sentence shall also provide guidance to political committees and campaigns to not engage in racial or ethnic profiling in making such a conclusion or inquiry.

(c) REPORTING OFFERS OF PROHIBITED CONTRIBUTIONS, DONATIONS, EXPENDITURES, OR DISBURSEMENTS BY FOREIGN NATIONALS TO THE FBI.

(1) IN GENERAL.—If a political committee or an individual (as defined in paragraphs (3) and (4) of section 611 of the Voting Rights Act of 1965) receives (orally, in writing, or otherwise) of a prohibited contribution, donation, expenditure, or disbursement, the committee or individual shall, within 24 hours of receiving the offer, report to the Federal Bureau of Investigation:

(A) the extent known, the name, address, and nationality of the foreign national making the offer; and

(B) the amount and type of contribution, donation, expenditure, or disbursement offered.

(2) OFFENSE.—

(A) IN GENERAL.—It shall be unlawful to knowingly and willfully fail to comply with paragraph (1).

(B) PENALTY.—Any person who violates subparagraph (A) shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

(3) DEFINITIONS.—In this subsection:

(A) APPLICABLE INDIVIDUAL.—

(i) IN GENERAL.—The term “applicable individual” means—

(I) an agent of a political committee;

(II) a candidate;

(III) an individual who is an immediate family member of a candidate;

(IV) any individual affiliated with a campaign of a candidate.
(ii) **IMMEDIATE FAMILY MEMBER; INDIVIDUAL AFFILIATED WITH A CAMPAIGN.—For purposes of clause (1)—

(I) the term ‘‘immediate family member’’ means a spouse, parent, or child, in the case of a candidate, a parent, in the case of a candidate, a parent, or child; and

(II) the term ‘‘individual affiliated with a campaign’’ means a person who, with respect to a candidate, is a member of the organization, an employee of any organization legally authorized under Federal, State, or local law to support the candidate’s campaign, or, for election to any Federal, State, or local public office, as well as any independent contractor of such an organization or any individual who provides services in connection with any organization on an unpaid basis (including an intern or volunteer).

(B) **FOREIGN NATIONAL.—The term ‘‘foreign national’’ has the meaning given that term in section 1102(a)(4) of title 11, Code of Federal Regulations (or any successor regulations).

(C) **PROHIBITED CONTRIBUTION, DONATION, EXPENDITURE, OR DISBURSEMENT.—

(i) **APPLICATION.—The term ‘‘prohibited contribution, donation, expenditure, or disbursement’’ means a contribution, donation, expenditure, or disbursement prohibited under section 316(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)).

(ii) **CLARIFICATION.—Such term includes, with respect to a candidate or election, any information—

(I) regarding any of the other candidates for election for that office,

(II) that is not in the public domain; and

(III) which could be used to the advantage of the campaign of the candidate.

(E) **OTHER TERMS.—Any term used in this subsection which is defined in section 3902 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101) and which is not otherwise defined in this subsection shall have the meaning given such term under such section 3901.

(d) **CLARIFICATION REGARDING USE OF INFORMATION REPORTED.—Information reported under subsection (j) or (k) of section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) as a modification of, or to be included in, a report required under section 303(a) of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) relating to the removal of undocumented aliens.

SA 646. **MRS. SHAHEEN (for herself, Mr. Rounds, Mr. Casey, and Ms. Harris) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitl e B of title XII, add the following:

SEC. 1236. **EFFECTS TO ENHANCE MEANINGFUL PARTICIPATION OF AFGHAN WOMEN IN PEACE NEGOTIATIONS IN AFGHANISTAN.

(a) **IN GENERAL. The Secretary of State, in coordination with the Secretary of Defense, shall carry out activities to ensure the meaningful participation of Afghan women in the peace process in Afghanistan in a manner consistent with the Women, Peace, and Security Act of 2017 (22 U.S.C. 2151 note; Public Law 115-68), which shall include—

(1) continued United States Government advocacy for the inclusion of Afghan women leaders and negotiators in peace negotiations to end the conflict in Afghanistan; and

(2) support for the inclusion of constitutional protections on women’s and girls’ human rights that ensure their freedom of movement, rights to education and work, political participation, and access to healthcare and justice in any agreement reached through these negotiations, including negotiations with the Taliban.

(b) **REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report describing the steps taken to fulfill the duties of the Secretary of State and the Secretary of Defense under subsection (a).

(c) **APPROPRIATE COMMITTEES OF CONGRESS.—Notwithstanding any other provision of law, the Appropriations Committees of Congress may appropriate funds for defense activities of the Department of Defense, for military construction, and for any other purpose 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 323(b)(1)(A), strike ‘‘sentence’’ and all that follows and insert the following: ‘‘sentences: ‘A member may be reappointed for a second term only if the member was confirmed by the Senate more than two years into the member’s first term. A member may not be reappointed for a third term.’’

SA 647. **MR. HEINRICH (for himself and Mr. Udall) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 323(b)(1)(A), strike ‘‘sentence’’ and all that follows and insert the following: ‘‘sentences: ‘A member may be reappointed for a second term only if the member was confirmed by the Senate more than two years into the member’s first term. A member may not be reappointed for a third term.’’

SA 648. **MR. PORTMAN (for himself and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1234 and insert the following:

SEC. 1234. **MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.


(1) in subsection (a), in the matter preceding paragraph (4) ‘‘in coordination with the Secretary of State’’ and inserting ‘‘with the concurrence of the Secretary of State’’;

(2) in subsection (b)—

(A) by amending paragraph (11) to read as follows:

(‘‘11) Air defense and coastal defense radars, and systems to support effective command and control and integration of air defense and coastal defense capabilities.’’); and

(B) by redesignating paragraphs (14) and (15) as paragraphs (14) and (16), respectively;

(C) by inserting after paragraph (13) the following new paragraph (14):

(B) An assessment of the capability gaps and capacity shortfalls of the military of Ukraine.

(‘‘(B) An assessment of the relative priority assigned by the Government of Ukraine to addressing such capability gaps and capacity shortfalls.

(‘‘(B) An assessment of the capability gaps and capacity shortfalls that—

(i) may be addressed in a timely and efficient manner by unilateral efforts of the Government of Ukraine; and

(ii) are unlikely to be sufficiently addressed solely through unilateral efforts.

(‘‘(B) An assessment of the capability gaps and capacity shortfalls that may be addressed by the Ukraine Security Assistance Initiative in a timely and efficient manner.

(‘‘(B) A plan to provide the necessary resources for the Ukraine Security Assistance Initiative in fiscal years 2020, 2021, and 2022 to meet the most critical capability gaps and capacity shortfalls of the military forces of Ukraine.’’.

SA 649. **MR. WICKER (for himself and Ms. Cantwell) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXXV and insert the following:

II. Defense Authorization Act for Fiscal Year 2020—Military, National Security, and Related Programs
TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization and Enhancement Act of 2019.”

Subtitle A—Maritime Administration

SEC. 3511. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

In general.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2020, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States Merchant Marine, the following amounts:

1. For expenses necessary for operations of the United States Merchant Marine Academy, $95,941,000, of which—
   (A) $77,944,000 shall remain available until September 30, 2021 for Academy operations; and
   (B) $18,000,000 shall remain available until expended for capital asset management at the Academy.

2. For expenses necessary to support the State maritime academies, $50,280,000, of which—
   (A) $2,400,000 shall remain available until September 30, 2021, for the Student Incentive Program;
   (B) $6,000,000 shall remain available until expended for direct payments to such academies;
   (C) $30,080,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;
   (D) $2,000,000 shall remain available until expended for training ship fuel assistance; and
   (E) $8,000,000 shall remain available until expended for offsetting the costs of training ship sharing.

3. For expenses necessary to support the National Security Multi-Mission Vessel Program, $90,000,000, which shall remain available until expended.

4. For expenses necessary to support Maritime Administration operations and programs, $60,442,000, of which $5,000,000 shall remain available until expended for activities authorized under section 50307 of title 46, United States Code.

5. In addition to such necessary to dispose of vessels in the National Defense Reserve Fleet, $5,000,000, which shall remain available until expended.

6. The Secretary is authorized to maintain and preserve a United States flag Merchant Marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $300,000,000, which shall remain available until expended.

7. For expenses necessary for the loan guarantee program authorized under section 537 of title 46, United States Code, $30,000,000, of which—
   (A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of loan guarantees under the program, which shall remain available until expended; and
   (B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

8. For expenses necessary to provide assistance to small shipyards and for maritime training programs under section 53101 of title 46, United States Code, $40,000,000, which shall remain available until expended.

9. For expenses necessary to implement the National Maritime Competitive Improvement Program, $600,000,000, except that no funds shall be used for a grant award to purchase fully automated cargo handling equipment that is remote-controlled, with or without the exercise of human intervention or control, if the Secretary determines that such equipment would result in a net loss of jobs that relate to the movement of goods through a port and its intermodal connections.

SEC. 3512. MARITIME SECURITY PROGRAM.

(a) AWARD OF OPERATING AGREEMENTS.—
   Section 53103 of title 46, United States Code, is amended by striking “2025” each place it appears and inserting “2025,” and
   (b) EFFECTIVE DATE OF OPERATING AGREEMENTS.—Section 53104(a) of title 46, United States Code, is amended by striking “2025” and inserting “2035.”

(c) PAYMENTS.—Section 53106(a)(1) of title 46, United States Code, is amended—
   (1) in subparagraph (B), by striking “and” after section 53104 and
   (2) in subparagraph (C), by striking “$3,700,000 for each of fiscal years 2022, 2023, and 2024,” and inserting “$5,233,463 for each of fiscal years 2022, 2023, 2024, and 2025;” and
   (3) by adding at the end the following:
      (B) $5,233,463 for each of fiscal years 2026 through 2035.

(d) AUTHORIZATION OF Appropriations.—
   Section 53111 of title 46, United States Code, is amended—
   (1) by adding at the end the following:
      (B) $33,000,000, which shall remain available until expended for activities associated with or without the exercise of human intervention or control, if the Secretary determines that such equipment would result in a net loss of jobs that relate to the movement of goods through a port and its intermodal connections.

SEC. 3513. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL REPORT.

The Inspector General for the Department of Transportation shall—

1. not later than 180 days after the date of enactment of this title, initiate an audit of the Maritime Administration’s actions to address only those recommendations from Chapter 3 and recommendations 5-1, 5-2, 5-3, 5-4, 5-5, and 5-4 identified by a National Academy of Public Administration panel in the November 2017 report entitled “Maritime Administration: Defining Its Mission, Aligning Its Programs, and Meeting Its Objectives”; and
   (2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

3. by adding at the end the following:
   (d) $214,007,780 for each of fiscal years 2026 through 2035.

SEC. 3514. APPOINTMENT OF CANDIDATES ATTENDING SELECTED PREPARATORY SCHOOL.

Section 53303 of title 46, United States Code, is amended—

1. by striking “The Secretary” and inserting the following:
   (a) In general.—The Secretary; and
   (2) by adding at the end the following:
      (B) United States Merchant Marine Academy: $314,007,780 for each of fiscal years 2022, 2023, 2024, and 2025; and
   (3) by adding at the end the following:
      (B) $314,007,780 for each of fiscal years 2026 through 2035.

SEC. 3515. INDEPENDENT STUDY ON THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Secretary of Commerce, the Secretary of Health and Human Services, with respect to the applicable services of the Department of Health and Human Services, and the Secretary of the Navy, in coordination with one another and with the United States Coast Guard, shall—
   (1) develop a determination of whether training and experience counts for credentialing purposes, and in coordination with one another and with the United States Coast Guard, submit a list of all identified training and experience within the applicable service that may qualify for merchant mariner credentialing;
   (2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-
   (3) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

(c) DEADLINE AND REPORT.—Not later than 1 year after the date of the agreement described in subsection (a), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

(d) AUTHORIZATION OF Appropriations.—Section 53104(a) of title 46, United States Code, is amended by striking “$314,007,780 for each of fiscal years 2022, 2023, 2024, and 2025;” and inserting “$5,233,463 for each of fiscal years 2022, 2023, 2024, and 2025;” and
   (3) by adding at the end the following:
      (B) $5,233,463 for each of fiscal years 2026 through 2035.

SEC. 3516. GENERAL SUPPORT PROGRAM.

Section 51501 of title 46, United States Code, is amended by adding at the end the following:

(a) CREDENTIALING SUPPORT.—Not later than 1 year after the date of enactment of this title, the Secretary of Defense, the Secretary of the Department in which the Coast Guard operates, the Secretary of Commerce, and the Secretary of Health and Human Services, with respect to the applicable services of the Department of Health and Human Services, and in coordination with one another and with the United States Coast Guard, shall—
   (1) develop a determination of whether training and experience counts for credentialing purposes, and in coordination with one another and with the United States Coast Guard, submit a list of all identified training and experience within the applicable service that may qualify for merchant mariner credentialing; and
   (2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

(b) REVIEW OF APPLICABLE SERVICE.—The United States Coast Guard Commandant shall make a determination of whether training and experience counts for credentialing purposes, as described in subsection (a), not later than 6 months after the date on which the United States Coast Guard National Maritime Center receives a submission under subsection (a) identifying a training or experience and requesting such a determination.

(c) FEES AND SERVICES.—The Secretary of the Department in which the Coast Guard operates, and the Secretary of the Department in which the applicable services in their respective departments, shall—
   (1) take all necessary and appropriate actions to ensure that the fee assessed to provide for their respective services through the National Maritime Center is not less than $3,000,000.
projects, activities, and expenses related to the National Defense Reserve Fleet or maritime-related services:

(A) Federal entities are authorized to advance, in whole or in part, in advance of expenditure or upon providing the goods or services ordered, as determined by the Secretary.

(B) The Secretary shall determine all other terms and conditions under which such payments should be made and provide such goods and services using its existing or new commercial or goods- and services-related agreements, memoranda of understanding, or similar agreements.

(2) REIMBURSABLE AGREEMENT WITH A FEDERAL ENTITY.—

(A) IN GENERAL.—The Maritime Administration is authorized to provide maritime-related services and goods under a reimbursable agreement with a Federal entity.

(B) MARITIME-RELATED SERVICES DEFINED.—For the purposes of this subsection, maritime-related services includes the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, or reconditioning (including equipping and enabling incidental to construction, reconstruction, or reconditioning) of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other structure or property related to the maritime operations of a Federal entity.

(3) MARITIME-RELATED CARGOES.—

(1) IN GENERAL.—The Maritime Administration is authorized to provide maritime-related services and goods relating to the salvaging of cargo aboard vessels in the custody or control of the Maritime Administration or its predecessor agencies and retain reimbursement from Federal entities for all such costs as it may incur.

(2) REIMBURSEMENT.—Reimbursement as provided for in subparagraph (A) may come from—

(i) the proceeds recovered from such salvage;

(ii) the Federal entity for which the Maritime Administration has or will provide such goods and services, depending on the agreement of the parties involved;

(iii) the proceeds of the auction or other treatment of any other miscellaneous property recovered by the Maritime Administration in connection with the salvage operation;

(iv) the proceeds of the recovery of the goods or services provided by the Federal entity for which the Maritime Administration provided such services;

(v) any other proceeds or interest of the Federal entity for which the Maritime Administration provided such services.

(4) AMOUNTS RECEIVED.—Amounts received as reimbursements under this subsection shall be credited to the fund or account that was used to cover the costs incurred in connection with the provision of availability of obligations for that appropriation has expired, to the appropriation of funds that is currently available to the Secretary for substantially the same purpose.

(5) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(6) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(7) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(8) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(9) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(10) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(11) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(12) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(13) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(14) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(15) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(16) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(17) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(18) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(19) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(20) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(21) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(22) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(23) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(24) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(25) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(26) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(27) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(28) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(29) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(30) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(31) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(32) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(33) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(34) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(35) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(36) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(37) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(38) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(39) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(40) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(41) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(42) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(43) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(44) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(45) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(46) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(47) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(48) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(49) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.

(50) PAYMENTS AND DISTRIBUTE.—A lead entity described in subparagraph (B) of this section shall remain available until expended for the purposes of the war risk revolving fund.
"(3) ELIGIBLE PROJECTS.—The Secretary may make a grant under this subsection—

"(A) for a project, or package of projects, that—

"(i) is either—

"(I) within the boundary of a port; or

"(II) outside the boundary of a port, but is directly related to port operations or to an intermodal connection to a port; and

"(ii) will be used to improve the safety, efficiency, or reliability of—

"(I) the loading and unloading of goods at the port, such as for marine terminal equipment;

"(II) the movement of goods into, out of, around, or within a port, such as for highways, rail infrastructure, intermodal facilities, freight intelligent transportation systems, and digital infrastructure systems; or

"(III) environmental mitigation measures and operational improvements directly related to enhancing the efficiency of ports and intermodal connections to ports; or

"(B) notwithstanding paragraph (6)(A)(V), to provide financial assistance to 1 or more projects under subparagraph (A) for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, and preliminary engineering and design work.

"(4) PROHIBITED USES.—A grant award under paragraph (3) may not be used to—

"(A) to finance or refinance the construction, reconstruction, reconditioning, or purchase of equipment; or

"(B) for any project within a small shipyard (as defined in section 54101).

"(5) APPLICATIONS AND PROCESS.—

"(A) APPLICATIONS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary considers appropriate.

"(B) SOLICITATION PROCESS.—Not later than 60 days after the date that amounts are made available for grants under this subsection for a fiscal year, the Secretary shall solicit grant applications for eligible projects in accordance with this subsection.

"(6) PROJECT SELECTION CRITERIA.—

"(A) IN GENERAL.—The Secretary may select a project described in paragraph (3) for funding under this subsection if the Secretary determines that—

"(i) the project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port;

"(ii) the project is cost effective;

"(iii) the eligible applicant has authority to carry out the project;

"(iv) the eligible applicant has sufficient funding available to match the matching requirements under paragraph (8);

"(v) the project will be completed without unreasonable delay; and

"(vi) the project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project applicant.

"(B) ADDITIONAL CONSIDERATIONS.—In selecting projects described in paragraph (3) for funding under this subsection, the Secretary shall give substantial weight to—

"(i) the utilization of non-Federal contributions;

"(ii) the net benefits of the funds awarded under paragraph (3) to carry out the project, including the cost-benefit analysis of the project, as applicable; and

"(iii) the public benefits of the funds awarded under this subsection.

"(C) SMALL PROJECTS.—The Secretary may waive the cost-benefit analysis under subparagraph (A) if the Secretary establishes a simplified, alternative basis for determining whether a project is cost effective, for a small project described in paragraph (7)(B).

"(7) ALLOCATIONS.—

"(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 for each fiscal year to make grants for eligible projects described in paragraph (3)(A) that request the lesser of—

"(i) 18 percent of the amounts made available for grants under this subsection for a fiscal year; or

"(ii) $11,000,000.

"(C) DEVELOPMENT PHASE ACTIVITIES.—Not more than 10 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for development phase activities under paragraph (3)(B).

"(8) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

"(A) TOTAL PROJECT COSTS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an estimate of the total costs of a project under this subsection based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

"(B) FEDERAL SHARE.—

"(I) IN GENERAL.—Except as provided in clause (II), the Federal share of the total costs of a project under this subsection shall not exceed 80 percent.

"(II) RURAL AREAS.—The Secretary may increase the Federal share of costs above 80 percent for a project located in a rural area.

"(9) PROCEDURAL SAFEGUARDS.—The Secretary shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

"(A) grant funds are used for the purposes for which those funds were made available;

"(B) each grantee accounts for all expenditures of grant funds; and

"(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

"(10) CONDITIONS.—

"(A) IN GENERAL.—The Secretary shall require as a condition of making a grant under this subsection that—

"(i) maintain such records as the Secretary considers necessary;

"(ii) make the records described in clause (i) available for review and audit by the Secretary; and

"(iii) periodically report to the Secretary such information as the Secretary considers necessary to assess progress.

"(B) LABOR.—The Federal wage rate requirements of subchapter IV of chapter 31 of title 40 shall apply, in the same manner, to such contracts as the Secretary determines appropriate to carry out this section.

"(C) DISCLAIMER.—Nothing in this section shall be construed to affect existing authorities to conduct port infrastructure programs in—

"(A) Hawaii, as authorized by section 9008 of the SAFETEA-LU Act (Public Law 109–59; 119 Stat. 599); and

"(B) Alaska, as authorized by section 10205 of the SAFETEA-LU Act (Public Law 109–59; 119 Stat. 1204); or


"(12) ADDITIONAL AUTHORITY OF THE SECRETARY.—In carrying out this section, the Secretary may—

"(1) receive funds from a Federal or non-Federal entity that has a specific agreement with the Secretary to further the purposes of this section;

"(2) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

"(3) seek to coordinate all reviews or requirements with appropriate Federal, State, and local agencies; and

"(4) in addition to any financial assistance provided under subsection (c), provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

"(13) SAVINGS CLAUSE.—A repeal made by subsection (b) of this section shall not affect any projects apportioned or funds 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 5002(c) of title 46, United States Code, as in effect on the day before the date of enactment of this title.
SEC. 3521. ASSESSMENT AND REPORT ON STRATEGIC SEAPORTS.

(a) In General.—Not later than 90 days after the date of enactment of this title, the Secretary of Defense shall submit to the congressional defense committees a report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

(b) ELEMENTS.—The report required by subsection (a) shall include, with respect to port facilities included in the report, the following:

(1) An assessment whether there are structural integrity or other deficiencies in such facilities.

(2) If there are such deficiencies—

(A) an assessment of infrastructure improvements that would be needed to meet, directly or indirectly, national security and readiness requirements;

(B) an assessment of the impact on operational readiness of the Armed Forces if such improvements are not undertaken; and

(C) an identification of, to the maximum extent practical, all potential funding sources for such improvements from existing authorities.

(3) An identification of the support that would be appropriate for the Department of Defense and the execution of the Secretary of Transportation’s responsibilities under section 50302 of title 46, United States Code, with respect to such facilities.

(4) A determination that any regulatory or administrative authorities would be required for the provision of support as described in paragraph (3), recommendations for legislative or administrative action to establish such authorities.

(c) Consultation.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Maritime Administrator and the individual responsible for each port facility described in such subsections.

SEC. 3522. MARITIME TECHNICAL ASSISTANCE PROGRAM.

Section 50307 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “The Secretary of Transportation may engage in the environmental study and insert ‘The Maritime Administrator, on behalf of the Secretary of Transportation, shall engage in the study’;”

(2) in subsection (b)—

(A) in the paragraph preceding paragraph (1), by striking “may” and inserting “shall”;

and

(B) in paragraph (1)—

(i) in the preceding subparagraph (A), by striking “that are likely to achieve environmental improvements by” and inserting “to improve”;

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(iii) by inserting before clause (i), the following—

“(A) environmental performance to meet United States Federal and international standards and guidelines, including—”;

and

(iv) in paragraph (2), by striking “and” and all that follows through the end of the subsection and inserting “and”;

(3) in subsection (c), by striking “and the Secretary of Commerce, Science, and Transportation of the Senate, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Natural Resources of the Senate,”

(4) by redesignating subsections (f) through (i) as subsections (i) through (iv), respectively;

(5) in subsection (d), by striking subparagraphs (A) and (B);

(6) in subsection (e), by striking paragraphs (2) and (3) and inserting the following:

“(2) Limitations on the Use of Funds.—Not more than 3 percent of funds appropriated to carry out this program may be used for administrative purposes.”

SEC. 3523. REIMBURSEMENT FOR SMALL SHIPYARD GRANTEES.

Section 5410(d) of title 46, United States Code, is amended—

(1) by striking “Grants awarded” and inserting the following—

“(1) In General.—Grants awarded;” and

(2) by adding at the end the following—

“(2) Buy American.”

“(A) In general.—Subject to subparagraph (B), no funds may be obligated by the Administrator of the Maritime Administration under this section, unless each product and material purchased with those funds (including products and materials purchased by a grantee), and including any commercially available off-the-shelf item, is—

(i) an unmanufactured article, material, or supply that has been mined or produced in the United States;

(ii) a manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies purchased, or manufactured in the United States.

(B) EXCEPTIONS.—

(i) Commercial.—Notwithstanding subparagraph (A), the requirements of that subparagraph shall not apply with respect to any article, material, or supply that the Administrator determines—

(I) that the application of those requirements would be inconsistent with the public interest;

(II) that such product or material is not available in the United States in sufficient and reasonably available quantities, of a satisfactory quality, or on a timely basis; or

(III) that the increase of that domestic product or material will increase the cost of that product or material by more than 25 percent, with respect to a certain contract between a grantee and that grantee’s supplier.

(ii) Government.—The Administrator may, by rule, exempt from subparagraph (A) products or materials acquired by the Federal Government that are—

(I) any item of supply (including construction material) that is—

(aa) a commercial item, as defined by section 2301 of this title;

(bb) sold in substantial quantities in the commercial marketplace; and

(II) does not include bulk cargo, as defined in section 4012(4) of this title, such as agricultural products and petroleum products.

(iii) The term ‘product or material’ means an article, material, or supply brought to the construction site.

(iv) The term ‘construction material’ means a construction material or product that is—

(A) an article, material, or supply that was manufactured, processed, or fabricated by non-Federal sources and delivered to the construction site.

(B) an article, material, or supply that is—

(aa) a commercial item, as defined by section 2301 of this title;

(bb) sold in substantial quantities in the commercial marketplace; and

(bb) an article, material, or supply that was manufactured, processed, or fabricated by non-Federal sources and delivered to the construction site.

(C) The term ‘United States’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands.”

SEC. 3524. IMPROVEMENT OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) Additional Means of Achievement of Goals of Program Through Oceanographic Research.—Section 8931(b)(1)(A) of title 10, United States Code, is amended—

(1) by inserting “, creating,” after “identifying”; and

(2) by inserting “science,” after “areas of”,

(b) National Ocean Research Leadership Council Membership.—Section 8932 of title 10, United States Code, is amended—

(1) by redesigning subsections (f) through (h) as subsections (g) through (i), respectively;

(2) in subsection (b)—

(A) by striking paragraph (10); and

(B) by redesigning paragraphs (11) through (14) as paragraphs (12) through (15), respectively; and

(3) by inserting after paragraph (9) the following new paragraphs:

“(10) The Director of the Bureau of Ocean Energy Management of the Department of the Interior;”

“(11) The Director of the Bureau of Safety and Environmental Enforcement of the Department of the Interior.”

SEC. 3525. PROCUREMENT OF MATERIALS.

Section 8932 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “Report” and inserting “BRIEFING”;

(2) in the mate preceding paragraph (1), by striking “to Congress a report” and inserting “to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Armed Services of the House of Representatives a briefing;”;

(3) in subsection (b), by striking “broad participation within the oceanographic community and inserting the following:

“(D) Preexisting facilities, such as regional data centers operated by the Integrated Ocean Observing System, and expertise;”;

(4) in subsection (c)—

(A) in the subsection heading by striking “REPORT” and inserting “BRIEFING”;

(5) in paragraph (1), by striking “to Congress a report” and inserting “to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Armed Services of the House of Representatives a briefing;”;

(6) in paragraph (3), by striking subparagraph (D) and inserting the following:

“(D) Preexisting facilities, such as regional data centers operated by the Integrated Ocean Observing System, and expertise;”;

(7) in subsection (e)—

(A) in the subsection heading by striking “REPORT” and inserting “BRIEFING”;

(8) in paragraph (2), by striking “broad participation within the oceanographic community and inserting the following:

“(B) Limitations on the Use of Funds.—Not later than March 1 of each year, the Council shall publish on a publicly available website a report summarizing the briefing described in subsection (e).”;

(9) in subsection (g), as redesignated by paragraph (1)—

(A) by striking paragraph (1) and inserting the following—

“(1) The Secretary of the Navy shall establish an office to support the National Oceanographic Partnership Program. The Council shall use competitive procedures in selecting
an operator for the partnership program office;''; and
(b) in paragraph (2)(B), by inserting ‘‘where appropriate,’’ before ‘‘managing’’; and
(2) redesignation (b), as redesignated by paragraph (1), to read as follows:
‘‘(b) CONTRACT AND GRANT AUTHORITY.—
‘‘(1) To carry out the purposes of the National Oceanographic Partnership Program, the Council shall have, in addition to other powers otherwise given it under this chapter, the following authorities: (A) To authorize one or more of the departments or agencies represented on the Council to enter into contracts and make grants or cooperative agreements, and establish and manage new collaborative programs as considered appropriate, to address emerging science priorities using both donated and appropriated funds. (B) To authorize the program office under subsection (g), on behalf of and subject to the direction and approval of the Council, to accept funds, including fines and penalties, from other Federal and State departments and agencies. (C) To authorize the program office, on behalf of and subject to the direction and approval of the Council, to award grants and enter into contracts for purposes of the National Oceanographic Partnership Program. (D) To authorize one or more of the departments or agencies represented on the Council to enter into contracts and make grants, for the purpose of implementing the National Oceanographic Partnership Program and carrying out the responsibilities of the Council. (E) To use, with the consent of the head of the department or agency concerned, non-reimbursable basis, the land, services, equipment, personnel, facilities, advice, and information provided by a Federal agency or entity, State, local government, Tribal government, territory, or possession, or any subdivision thereof, or the District of Columbia as may be helpful in the performance of the duties of the Council. (2) FUNDS TRANSFERRED.—Funds identified for direct support of National Oceanographic Partnership Program grants are authorized to be transferred between agencies and departments as exempt from section 1535 of title 31, United States Code (commonly known as the §200 Act). (C) OCEAN RESEARCH ADVISORY PANEL.—Section 8933(a)(4) of title 10, United States Code, is amended by striking ‘‘State governments’’ and inserting ‘‘State and Tribal governments’’. SEC. 3325. IMPROVEMENTS TO THE MARITIME GUARANTEED LOAN PROGRAM. (a) DEFINITIONS.—Section 53706 of title 46, United States Code, is amended— (1) by striking paragraph (5); (2) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively; and
(3) by adding at the end the following:
‘‘(15) VESSEL OF NATIONAL INTEREST.—The term ‘Vessel of National Interest’ means a vessel deemed to be of national interest that meets characteristics determined by the Administrator, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard Operates, or the heads of other Federal agencies, as determined by the Administrator. (b) PREFERRED LENDER.—Section 53702(a) of title 46, United States Code, is amended by adding at the end the following: ‘‘(2) PREFERRED LENDER.—The Federal Financing Bank shall be the preferred eligible lender of the principal and interest of the guaranteed obligations issued under this chapter.’’. (c) APPLICATION AND ADMINISTRATION.—Section 53703 of title 46, United States Code, is amended— (1) in the section heading, by striking ‘‘procedures’’ and inserting ‘‘and administration’’; (2) by adding at the end the following:
‘‘(f) INDIPENDENT ANALYSIS.—
‘‘(1) IN GENERAL.—To assess and mitigate the risks associated with market, technology, financial, or legal structures related to an application or guarantee under this chapter, the Secretary or Administrator may utilize third party experts, including legal counsel, to—
(A) analyze and review aspects of, structure, and document the obligation guarantee during the term of the guarantee; (B) recommend financial covenants or financial ratios to be met by the applicant during the time a guarantee under this chapter is outstanding that are—(1) based on financial covenants or financial ratios, if any, that are then applicable to the obligor under private sector credit agreements; and (2) in the case of other financial covenants applicable to the obligor under this chapter with respect to requirements regarding long-term debt-to-equity, minimum working capital, or minimum amount of equity capital; (C) represent the Secretary or Administrator to protect the security interests of the Government relating to an obligation guarantee. (2) PRIVATE SECTOR EXPERT.—Independent review, analysis, and representation conducted under this subsection shall be performed by a private sector expert in the applicable field who is selected by the Secretary or Administrator. (d) VESSELS OF NATIONAL INTEREST.—
‘‘(1) NOTICE OF FUNDING.—The Secretary or Administrator may post a notice in the Federal Register regarding the availability of funding for obligations under this chapter for the construction, reconstruction, or reconditioning of a Vessel of National Interest and include a timeline for the submission of applications. (2) VESSEL CHARACTERISTICS.—
‘‘(A) IN GENERAL.—The Secretary or Administrator, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard Operates, or the heads of other Federal agencies, shall develop and publish a list of vessel types that will be considered Vessels of National Interest. (B) REVIEW.—Such list shall be reviewed and revised every 4 years or as necessary, as determined by the Administrator. (d) FUNDING LIMITS.—Section 53704 of title 46, United States Code, is amended— (1) in subsection (a)—
(A) by striking ‘‘that amount’’ and all the follows through ‘‘$850,000,000’’ and inserting ‘‘that amount, $850,000,000’’; and (B) by striking ‘‘facilities’’ and all that follows through ‘‘facilities’’ and inserting ‘‘facilities’’; and (2) in subsection (c)(4)—
(A) by striking subparagraph (A); and (B) by redesignating subparagraphs (B) through (K), as subparagraphs (A) through (J), respectively. (e) LIMITATION OF PURPOSES OF OBLIGATIONS.—Section 53706 of title 46, United States Code, is amended—
(1) in subsection (a)(1)(A)—
(A) in the matter preceding clause (i), by striking ‘‘including an eligible export vessel’’; (B) in clause (iv) by adding ‘‘or’’ after the semicolon; (C) in clause (v), by striking ‘‘; or’’ and inserting ‘‘; and’’; and (D) by striking clause (vi) and
(2) in subsection (c)(1) —
(A) in subparagraph (A), by striking ‘‘and’’ after the semicolon; (B) in subparagraph (B)(vii), by striking the period at the end and inserting ‘‘; and’’; and (C) by adding at the end the following:
‘‘(C) after applying subparagraphs (A) and (B), Vessels of National Interest.’’ (f) AMOUNT OF OBLIGATIONS.—Section 53709(b) of title 46, United States Code, is amended—
(1) by striking paragraphs (3) and (6); and (2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively. (g) CONTENTS OF OBLIGATIONS.—Section 53719 of title 46, United States Code, is amended—
(1) in subsection (a)(4)—
(A) in subparagraph (A), by striking ‘‘or, in the case of’’ and all that follows through ‘‘party’’; and (B) by striking ‘‘and’’ after the semicolon; and
(B) in subparagraph (B), by striking the period at the end and inserting ‘‘; and’’; and
(C) by adding at the end the following: ‘‘(C) documented under the laws of the United States for the term of the guarantee of the obligation or until the obligation is paid in full, whichever is sooner.’’; and
(2) in subsection (c)—
(A) in the subsection heading, by inserting ‘‘AND PROVIDE FOR THE FINANCIAL STABILITY OF THE OBLIGOR’’ after ‘‘INTERESTS’’; (B) by striking ‘‘provisions for the protection of’’ and inserting ‘‘provisions, which shall include—
‘‘(1) provisions for the protection of’’; (C) by striking ‘‘, and other matters that the Secretary or Administrator may prescribe.’’ and inserting ‘‘; and’’; and
(D) by adding at the end the following: ‘‘(2) any other provisions that the Secretary or Administrator deems necessary; (h) ADMINISTRATIVE FEES.—Section 53713 of title 46, United States Code, is amended—
(1) in subsection (a)—
(A) in the matter preceding paragraph (1), by striking ‘‘reasonable for’’ and inserting ‘‘reasonable for’’; and
(B) in paragraph (4), by striking ‘‘; and’’ and inserting ‘‘or a deposit fund under section 53716 of this title; (C) in paragraph (5), by striking the period at the end and inserting ‘‘; and’’; and
(D) by adding at the end the following: ‘‘(6) monitoring and providing services related to the obligor’s obligations under this chapter for terms related to the obligations, the guarantee, or maintenance of the Secretary or Administrator’s security interests under this chapter; and
(2) in subsection (c)—
(A) in paragraph (1), by striking ‘‘under section 53706(d) of this title’’ and inserting ‘‘or the Secretary or Administrator’s security interests under this chapter’’; and
(B) by redesigning paragraphs (1) through (3) as subparagraphs (A) through (C), respectively; (h) THE SECRETARY.—Section 53707 of title 46, United States Code, is amended— (1) in general.—The Secretary or Administrator may—
(A) in the matter preceding clause (i), by striking ‘‘including an eligible export vessel’’; (B) in the matter preceding clause (iv), by adding ‘‘or’’ after the semicolon; (C) in clause (v), by striking ‘‘; or’’ and inserting ‘‘; and’’; and (D) by adding clause (vi) and
(B) by striking paragraph (1) and
(3) in clause (iv) by adding ‘‘or’’ after the semicolon; and
(C) in clause (v), by striking ‘‘; or’’ and inserting ‘‘; and’’; and
(D) by striking clause (vi).
APPLICATIONS.—Not later than 180 days after the date of enactment of this title, the Administrator of the Maritime Administration, shall identify key positions within the Office of the Commandant:

(a) TO STAFF AND CONSULTATION.—The Secretary of Energy, the Secretary of the Interior, the heads of other relevant agencies as appropriate, and submit a report to Congress—
(1) confirming that the recommendations described in subsection (a) have been fully implemented, and explaining how those recommendations have been implemented, or
(2) if such recommendations have not been fully implemented as of the date of the report, including an explanation of why such recommendations were not implemented and a description of the resources that are needed to fully implement such recommendations.

SEC. 3526. REPORT ON VESSELS FOR EMERGING OFFSHORE ENERGY INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy, shall submit a report to Congress—
(1) an inventory of vessels (including existing vessels and vessels that have the potential to be refurbished or converted) that are needed to fully implement such recommendations; and
(2) policy recommendations to ensure the vessel capacity to support such emerging offshore energy infrastructure.

(b) CONTENTS.—Each notification shall include—
(1) an analysis of whether new or existing vessels are needed to support emerging offshore energy infrastructure; and
(2) a projection of existing vessels needed to meet such emerging offshore energy needs over the next 10 years; and
(3) policy recommendations to ensure the vessel capacity to support such emerging offshore energy infrastructure.

(c) NOTIFICATION.—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation and the Committee on Transportation and Infrastructure of the House of Representatives, shall submit a report on the need for vessels to install, operate, and maintain emerging offshore energy infrastructure, including offshore wind energy.

SEC. 3531. SHORT TITLES.

SEC. 3532. DEFINITIONS.

SEC. 3533. SHORT TITLES.

SEC. 3534. APPLICATIONS.

SEC. 3535. IMPLEMENTATION OF RECOMMENDATIONS.

SEC. 3536. TECHNICAL CORRECTIONS.

SEC. 3537. APPLICATIONS.

SEC. 3538. REPORT ON VESSELS FOR EMERGING OFFSHORE ENERGY INFRASTRUCTURE.

SEC. 3539. REPORT ON VESSELS FOR EMERGING OFFSHORE ENERGY INFRASTRUCTURE.

SEC. 3540. IMPLEMENTATION OF RECOMMENDATIONS.

SEC. 3541. SHORT TITLES.

SEC. 3542. DEFINITIONS.

Subtitle B—Maritime SAFE Act

SEC. 3551. SHORT TITLES.

SEC. 3552. DEFINITIONS.

In this subtitle—
(1) AIS.—The term ‘‘AIS’’ means Automatic Identification System (as defined in section 164.46 of title 33, Code of Federal Regulations, or any successor regulation).

(2) COMBINED MARITIME FORCES.—The term ‘‘Combined Maritime Forces’’ means the 33-nation naval partnership, originally established in February 2005, which, through cooperation and information sharing and exchange, promotes security, stability, and prosperity across approximately 32,000,000 square miles of international waters.

(3) Exclusive Economic Zone.—
(A) IN GENERAL.—Unless otherwise specified by the President as being in the public interest in a writing published in the Federal Register, the term ‘‘exclusive economic zone’’ means—
(i) the area within a zone established by a maritime boundary that has been established by a treaty or treaty provisionally applied by the United States; or
(ii) in the absence of a treaty described in clause (i)—
(I) a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured; or
(II) if the distance between the United States and another country is less than 400 nautical miles, a zone of which is represented by a line equidistant between the United States and the other country.

(B) OCEAN zone.—The term ‘‘ocean zone’’ means a region selected in accordance with section 3552(b)(2)—
(1) that is at high risk for IUU fishing activities; and
(2) the entry of seafood into the markets of countries in the region; and
(B) in which countries lack the capacity to fully address the illegal activity described in subparagraph (A).

(10) REGITIONAL FISHERIES MANAGEMENT ORGANIZATION. The term "Regional Fisheries Management Organization" means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures.

(11) SEAFISH.—The term "seafish"—

(A) means marine finfish, mollusks, crustaceans, other forms of marine animal and plant life, including those grown, produced, or reared through marine aquaculture techniques; and

(B) does not include marine mammals, turtles, or birds.

(12) TRANSNATIONAL ORGANIZED ILLEGAL ACTIVITY. The term "transnational organized illegal activity" means criminal activity conducted by self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, or monetary or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption that endures through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms.

(13) TRANSSHIPMENT.—The term "transshipment" means the use of refrigerated vessels that—

(A) collect catch from multiple fishing boats;

(B) carry the accumulated catches back to port; and

(C) deliver supplies to fishing boats, which allows fishing vessels to remain at sea for extended periods without coming into port.

SEC. 3533. PURPOSES. The purposes of this subtitle are—

(1) to support a whole-of-government approach across the Federal Government to counter IUU fishing and related threats to maritime security;

(2) to improve data sharing that enhances surveillance, enforcement, and prosecution against IUU fishing and related activities at a global level;

(3) to support coordination and collaboration to counter IUU fishing within priority regions;

(4) to increase and improve global transparency and traceability across the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) a tool for strengthening fisheries management and food security;

(5) to improve global enforcement operations against IUU fishing through a whole-of-government approach by the United States and other countries, as appropriate, to countries in priority regions and of priority flag states, shall evaluate opportunities to provide assistance, as appropriate, to countries in priority regions and of priority flag states to improve the effectiveness of IUU fishing enforcement, with clear and measurable targets and indicators of success, including—

(1) by assessing and using existing resources, enforcement authorities shall coordinate efforts to combat IUU fishing with efforts to combat other illegal trade, including weapons, drugs, and human trafficking;

(2) by expanding existing IUU fishing enforcement training;

(3) by providing targeted, country- and region-specific training on combating IUU fishing, including in those countries that have not adopted the Port State Measures Agreement; and

(4) by supporting increased effectiveness and transparency of the fisheries enforcement sectors of the governments of such countries; and

(5) by supporting increased outreach to stakeholders in the affected communities as key partners in combating and prosecuting IUU fishing; and

(6) to prevent the use of IUU fishing as a financed source for transnational organized groups that undermine United States and global security interests.

SEC. 3534. STATEMENT OF POLICY. It is the policy of the United States—

(1) to take action to curtail the global trade in seafood and seafood products derived from IUU fishing, including its links to forced labor and transnational organized illegal activity;

(2) to develop holistic diplomatic, military, law enforcement, economic, and capacity-building tools to counter IUU fishing;

(3) to provide technical assistance to countries in priority regions and priority flag states to combat IUU fishing, including assistance to—

(A) to increase local, national, and regional level capacities to counter IUU fishing through the engagement of law enforcement and other personnel;

(B) to enhance port capacity and security, including by supporting other countries in working toward the adoption and implementation of the Port State Measures Agreement;

(C) to combat corruption and increase transparency and accountability in fisheries management and trade;

(D) to enhance information sharing within and across governments and multilateral organizations to promote and use of agreed standards for information sharing; and

(E) to support effective, science-based fisheries management regimes that promote legal and safe fisheries and act as a deterrent to IUU fishing;

(4) to promote global maritime security through the development and use of technologies developed by the United States and, as appropriate and practicable, available, as appropriate and practicable, by the United States Government in areas that cross multiple jurisdictions, through the development and use of an agreed standard for information sharing;

(5) to engage with priority flag states to encourage the use of high quality vessel tracking technologies where existing enforcement tools are lacking;

(6) to engage with multilateral organizations working on fisheries issues, including Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, to combat and deter IUU fishing;

(7) to advance information sharing across governments and multilateral organizations in areas that cross multiple jurisdictions, through the development and use of an agreed standard for information sharing;

(8) to continue to use existing and future trade agreements to combat IUU fishing;

(9) to employ appropriate assets and resources of the United States Government in a coordinated manner to disrupt the illicit networks involved in IUU fishing;

(10) to continue to identify and make available, as appropriate and practicable, technologies developed by the United States Government that can be used to help counter IUU fishing;

(11) to recognize the ties of IUU fishing to transnational organized illegal activity, including human trafficking and illegal trade in narcotics and arms, and as applicable, to focus on illicit activity in a coordinated, cross-cutting manner;

(12) to recognize and respond to poor working conditions, abuses, and other violent crimes in the fishing industry;

(13) to increase and improve global transparency and traceability along the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) an approach for strengthening fisheries management and food security; and

(14) to promote global investment and innovation to combat IUU fishing.

PART I—PROGRAMS TO COMBAT IUU FISHING AND INCREASE MARITIME SECURITY

SEC. 3541. COORDINATION WITH INTERNATIONAL ORGANIZATIONS. The Secretary of State, in conjunction with the Secretaries of Commerce, shall coordinate with Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, and may coordinate with other relevant international governmental or nongovernmental organizations, or the private sector, as appropriate, to enhance regional responses to IUU fishing and related transnational organized illegal activities.

SEC. 3542. ENGAGEMENT OF DIPLOMATIC MISSIONS OF THE UNITED STATES. Not later than 1 year after the date of the enactment of this title, each chief of mission (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) to a relevant country shall take action to—

(a) convene a working group, led by Department of State officials, to examine IUU fishing, which may include stakeholders such as—

(1) United States officials from relevant agencies participating in the Interagency Working Group identified in section 3551, foreign officials, nongovernmental organizations, representatives of the private sector, and representatives of local fishermen in the region; and

(b) experts on IUU fishing, law enforcement, criminal justice, transnational organizations through the development and use of technologies developed by the United States and, as appropriate and practicable, available, as appropriate and practicable, by the United States Government in areas that cross multiple jurisdictions, through the development and use of an agreed standard for information sharing.

(7) to continue to use existing and future trade agreements to combat IUU fishing;

(8) to continue to use existing and future trade agreements to combat IUU fishing;

(9) to employ appropriate assets and resources of the United States Government in a coordinated manner to disrupt the illicit networks involved in IUU fishing;

(10) to continue to identify and make available, as appropriate and practicable, technologies developed by the United States Government that can be used to help counter IUU fishing;

(11) to recognize the ties of IUU fishing to transnational organized illegal activity, including human trafficking and illegal trade in narcotics and arms, and as applicable, to focus on illicit activity in a coordinated, cross-cutting manner;

(12) to recognize and respond to poor working conditions, abuses, and other violent crimes in the fishing industry;

(13) to increase and improve global transparency and traceability along the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) an approach for strengthening fisheries management and food security; and

(14) to promote global investment and innovation to combat IUU fishing.

PART I—PROGRAMS TO COMBAT IUU FISHING AND INCREASE MARITIME SECURITY

SEC. 3541. COORDINATION WITH INTERNATIONAL ORGANIZATIONS. The Secretary of State, in conjunction with the Secretaries of Commerce, shall coordinate with Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, and may coordinate with other relevant international governmental or nongovernmental organizations, or the private sector, as appropriate, to enhance regional responses to IUU fishing and related transnational organized illegal activities.

SEC. 3542. ENGAGEMENT OF DIPLOMATIC MISSIONS OF THE UNITED STATES. Not later than 1 year after the date of the enactment of this title, each chief of mission (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) to a relevant country shall take action to—

(a) convene a working group, led by Department of State officials, to examine IUU fishing, which may include stakeholders such as—

(1) United States officials from relevant agencies participating in the Interagency Working Group identified in section 3551, foreign officials, nongovernmental organizations, representatives of the private sector, and representatives of local fishermen in the region; and

(b) experts on IUU fishing, law enforcement, criminal justice, transnational organizations through the development and use of technologies developed by the United States and, as appropriate and practicable, available, as appropriate and practicable, by the United States Government in areas that cross multiple jurisdictions, through the development and use of an agreed standard for information sharing.

(7) to continue to use existing and future trade agreements to combat IUU fishing;
development of informer networks and actionable intelligence;
(2) to conduct vessel boardings and inspections at sea and associated enforcement actions;
(3) to exercise existing shipper agreements and to enter into and implement new shipper agreements, as appropriate, including in areas that have not adopted the Port State Measures Agreement;
(4) to conduct vessel inspections at port and associated enforcement actions;
(5) to assess technology needs and promote the use of technology to improve monitoring, enforcement, and prosecution of IUU fishing;
(6) to conduct DNA-based and forensic identification of seafood used in trade;
(7) to conduct training on techniques, such as collecting electronic evidence and using computer forensics, for law enforcement personnel involved in complex investigations related to international matters, financial issues, and government corruption that include, but not be limited to, cooperation with the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, and the Secretary of Defense, the Department of State, or any official or agency of either.

Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Commerce, and the heads of other Federal agencies, as appropriate, to support the adoption and implementation of seafood traceability standards for imports, including catch documentation and tracking programs adopted by relevant regional fisheries management organizations; and
(4) to support the implementation of seafood traceability standards in such countries to prevent IUU fishing products from entering the global seafood market and assess capacity and training needs in those countries.

SEC. 3546. TECHNOLOGY PROGRAMS.

SEC. 3544. EXPANSION OF EXISTING MECHANISMS TO COMBAT IUU FISHING.

The Secretary of the State, the Administrator of the United States Agency for International Development, the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other appropriate Federal agencies shall assess opportunities to combat IUU fishing by expanding, as appropriate, the use of the following mechanisms:

(1) into shipper agreements that include counter-IUU fishing with priority flag states and countries in priority regions with which the United States does not already have such an agreement.

(3) to support the use of technology to combat IUU fishing by expanding, as appropriate, the use of the following mechanisms:

(1) to promote the use of technology to combat IUU fishing;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(2) to improve the capacity of seafood industries within such countries through information sharing and training to meet the requirements of transparency and traceability standards for seafood and seafood product imports, including catch documentation and trade tracking programs adopted by relevant regional fisheries management organizations; and

(2) to improve the capacity of government, industry, and civil society groups to develop and implement comprehensive traceability systems;

(2) to conduct vessel boardings and inspections;

(2) to assess technology needs and promote the use of technology to improve monitoring, enforcement, and prosecution of IUU fishing;

(1) promoting the use of technology to combat IUU fishing;

(3) outlining a strategy to coordinate, in- ternationally, including by—

(2) to develop and implement comprehensive traceability systems;

(3) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(2) promoting the use of technology to combat IUU fishing;

(4) outlining a strategy to coordinate, internationally, including by—

(3) to improve the capacities of governance, industry, and civil society groups to develop and implement comprehensive traceability systems; and

(3) to improve the capacity of seafood industries within such countries through information sharing; and

(3) to improve the capacity of government, industry, and civil society groups to develop and implement comprehensive traceability systems; and

(3) supporting the adoption and implementation of the Port State Measures Agreement in relevant countries and assessing the capacity and training needs in such countries;

(3) providing assistance to countries about the United States trans- parency and traceability standards for imports of seafood and seafood products; and

(3) outlining a strategy to coordinate, increase, and use shipper agreements between the Department of Defense or the Coast Guard and relevant countries; and

(3) to assess areas for increased interagency information sharing related to IUU fishing and related crimes;

(3) to establish standards for information sharing related to maritime enforcement; and

(3) for enhanced enforcement and Prosecution actions against IUU fishing;

(3) identifying opportunities for increased information sharing between Federal agencies and partner governments working to combat IUU fishing.

SEC. 3547. SAVINGS CLAUSE.

No provision of section 3532 or of this part shall impose, or be interpreted to impose, any duty, responsibility, requirement, or obligation on the Department of the Defense, the Department of the Navy, or any official or component of the President, from—

No provision of section 3532 or of this part shall impose, or be interpreted to impose, any duty, responsibility, requirement, or obligation on the Department of the Defense, the Department of the Navy, or any official or component of the

SEC. 3551. INTERAGENCY WORKING GROUP ON IUU FISHING.

(a) IN GENERAL.—There is established a collaborative interagency working group on maritime security and IUU fishing (referred to in this subtitle as the “Working Group”).

(b) MEMBERS.—The members of the Working Group shall be composed of:

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;
vessel and vessel-related activities related to IUU fishing; (12) supporting the identification and certification procedures to address IUU fishing in accordance with the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.); and (13) publishing annual reports summarizing nonconfidential information about the Working Group’s efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing.

SEC. 3552. STRATEGIC PLAN. (a) STRATEGIC PLAN.—Not later than 2 years after the date of the enactment of this title, the Working Group, after consultation with the high-level officials of the United States, shall submit to Congress a 5-year integrated strategic plan on combating IUU fishing and enhancing maritime security, including specific strategies with monitoring benchmarks for addressing IUU fishing in priority regions.

(b) IDENTIFICATION OF PRIORITY REGIONS AND PRIORITY FLAG STATES.—(1) the Working Group shall select regions that— (A) are at high risk for IUU fishing activity or the entry of illegally caught seafood into their markets; and (B) lack the capacity to fully address the issues described in subparagraph (A).

(2) PRIORITY REGION SELECTION CRITERIA.—In selecting priority regions under paragraph (1), the Working Group shall select regions that— (A) identify priority regions and priority flag states to be the focus of assistance coordinated by the Working Group under section 3551.

(3) PRIORITY FLAG STATES SELECTION CRITERIA.—In selecting priority flag states under paragraph (1), the Working Group shall select countries— (A) the flagged vessels of which actively engage in, knowingly profit from, or are complicit in IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU IUU I
any multilateral or international organi-

SEC. 3572. ACCOUNTING OF FUNDS. By not later than 180 days after the date of enactment of this title, the head of each Fed-
eral agency receiving or allocating funds to carry out activities under this subtitle shall, to the greatest extent practicable, prepare and submit to the Administrator a report that provides an accounting of all funds made available under this subtitle to the Federal agen-

cy.

SA 650. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title XII, add the follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:

SEC. 12. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.

(a) In General.—Not later than 180 days after enactment of this Act, the Secretary of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-
tary 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 follow-
ing:
“(bb) Vacancies.—A vacancy on the Board—

“(AA) shall not affect the powers of the Board; and

“(BB) shall be filled in the same manner as the original appointment was made.

“(IV) Initial meeting.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

“(V) Meetings.—The Board shall meet at the call of the Chairperson or on the request of the Administrator.

“(VI) Quorum.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

“(VII) Chairperson and Vice Chairperson.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

“(VIII) Compensation.—Each member of the Board may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Board.

“(IX) Duties.—The Board shall advise the Administrator on carrying out the duties of the Administrator under this subparagraph.

“(X) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board.

“(iv) Intellectual property.—

“(I) In general.—As a condition of receiving a Federal grant under this subparagraph, an applicant shall agree to vest the intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

“(II) Reservation of license.—The United States—

“(aa) may reserve a nonexclusive, nontransferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subsection (i); but

“(bb) shall not, in the exercise of a license reserved under item (aa), publicly disclose proprietary information relating to the license.

“(III) Transfer of title.—Title to any intellectual property described in subsection (i) shall vest in an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

“(IV) Authorization of appropriations.—

“(I) In general.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $35,000,000 shall be available to carry out this subparagraph, to remain available until expended.

“(II) Requirement.—Research carried out using amounts reserved under this subsection (I) may not duplicate research funded under the USE IT Act.

“(I) Deep saline formation report.—

“(I) Definition of deep saline formation.—

“(I) In general.—In this subparagraph, the term ‘deep saline formation’ means a formations of higher education to develop methods and technologies to account for the carbon dioxide emissions avoided by the carbon dioxide utilization projects.

“(VI) Authorization of appropriations.—

“(I) In general.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, $50,000,000 shall be available to carry out this subparagraph, to remain available until expended.

“(II) Requirement.—Research carried out using amounts reserved under this subsection (I) may not duplicate research funded by the Department of Energy.

“(D) by adding at the end the following:

“(I) the recipients of assistance under subparagraphs (B) and (C); and

“(II) a plan for supporting additional non-regulatory strategies and technologies that could significantly prevent carbon dioxide emissions or reduce carbon dioxide levels in the air, in conjunction with other Federal agencies.

“(II) Inclusions.—The plan submitted under clause (I) shall include—

“(I) a methodology for evaluating and ranking technologies based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air; and

“(II) a description of any nonair-related environmental or energy considerations regarding the technologies.

“(F) GAO report.—The Comptroller General of the United States shall submit to Congress a report that—

“(I) identifies all Federal grant programs in which a purpose of a grant under the program is to perform research on carbon capture and utilization technologies, including direct air capture technologies; and

“(ii) examines the extent to which the Federal grant programs identified pursuant to clause (I) overlap or are duplicative.

“(c) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (hereafter referred to in this section as the “Administrator”) shall submit to Congress a report describing how funds appropriated to the Administrator during the 5 most recent fiscal years have been used to carry out section 103 of the Clean Air Act (42 U.S.C. 7403), including a description of—

“(1) the amount of funds used to carry out specific provisions of that section; and

“(2) the practices used by the Administrator to differentiate funding used to carry out that section, as compared to funding used to carry out other provisions of law.

“(d) Inclusion of carbon capture infrastructure projects.—Section 40606(b) of the FY 2016 Energy and Water Development Appropriations Act (42 U.S.C. 7453) is amended—

“(1) in subparagraph (A)—

“(A) in the matter preceding clause (i), by inserting “carbon capture,” after “manufacturing,”

“(B) in clause (i)(III), by striking “or” at the end;

“(C) by redesignating clause (ii) as clause (iii); and

“(D) by inserting after clause (i) the following:

“(ii) is covered by a programmatic plan or enabling congressional review developed for the primary purpose of facilitating development of carbon dioxide pipelines; or”;

“(ii) by adding at the end the following:

“(I) In general.—For purposes of subparagraph (A), construction of infrastructure for carbon capture includes construction of—
“(i) any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture (as defined in paragraph (6)(B) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g))); and

(ii) carbon dioxide pipelines.”

(e) IN GENERAL.—The term ‘‘carbon capture, utilization, and sequestration projects and carbon dioxide pipelines’’ means projects for direct air capture (as defined in paragraph (6)(B) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g))).

(3) EFFICIENT, ORDERLY, AND RESPONSIBLE.—The term ‘‘efficient, orderly, and responsible’’ means, with respect to development or the permitting process for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, a process that is completed in an expeditious manner while maintaining environmental, health, and safety protections.

(2) REPORT.—(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chair of the Council on Environmental Quality (referred to in this section as the ‘‘Chair’’), in consultation with the Administrators of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, the Executive Director of the Federal Permitting Improvement Council, and the head of any other relevant Federal agency (as determined by the President), shall prepare a report that—

(i) compiles all existing relevant Federal permitting and review information and resource project point-of-interaction, agencies, and other stakeholders interested in the development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—

(I) the appropriate points of interaction with Federal agencies; and

(II) the best practices and templates for permitting;

(ii) inventories current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value; and

(iii) inventories existing initiatives and recent publications that analyze or identify priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(iv) identifies gaps in the current Federal regulatory framework for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(v) identifies Federal financing mechanisms available to project developers.

(B) SUBMISSION; PUBLICATION.—The Chair shall—

(i) submit the report under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the report publicly available.

(3) DUTIES.—Each task force shall—

(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Chair shall establish not less than 2 task forces, which shall each cover a different geographical area with differing demographic, land use, or geographic—

(i) to identify permitting and other challenges and successes that permitting authorities and project developers and operators face; and

(ii) to improve the performance of the permitting process and regional coordination for the purpose of promoting the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(B) MEMBERS AND SELECTION.—

(i) IN GENERAL.—The Chair shall—

(I) develop criteria for the selection of members to each task force; and

(II) select members for each task force in accordance with such criteria.

(ii) MEMBERS.—Each task force—

(I) shall include not less than 1 representative of each of—

(aa) the Environmental Protection Agency;

(bb) the Department of Energy;

(cc) the Department of the Interior;

(dd) any other Federal agency the Chair determines to be appropriate; and

(ee) any State that requests participation in the geographical area covered by the task force.

(III) The Chair, in consultation with the appropriate Federal agency (as determined by the President), shall—

(A) I N GENERAL.—The guidance under subparagraph (A) shall address requirements under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(III) the Clean Air Act (42 U.S.C. 7401 et seq.);

(IV) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(V) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(VI) the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.);

(VII) the Migratory Bird Treaty Act (16 U.S.C. 778d et seq.);

(VIII) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ‘‘Bald and Golden Eagle Protection Act’’); and

(ix) any other Federal law that the Chair determines to be appropriate.

(B) ENVIRONMENTAL REVIEWS.—The guidance under subparagraph (A) shall include directions to all other interested parties for the development of project-level environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(C) PUBLIC INVOLVEMENT.—The guidance under subparagraph (A) shall be subject to the public notice, comment, and solicitation of information procedures under section 1506.6 of title 40, Code of Federal Regulations (or a successor regulation).

(D) SUBMISSION; PUBLICATION.—The Chair shall—

(i) submit the guidance under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the guidance publicly available.

(E) REPORT.—Each year, each task force shall—

(i) inventory existing or potential Federal and State approaches to facilitate reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including best practices that—

(I) avoid duplicative reviews; and

(II) engage stakeholders early in the permitting process; and

(III) make the permitting process efficient, orderly, and responsible;

(ii) develop common models for State-level carbon dioxide pipeline regulation and oversight guidelines that can be shared with States in the geographical area covered by the task force;

(iii) provide technical assistance to States in the geographical area covered by the task force in implementing regulatory requirements and any models developed under clause (ii);

(iv) inventory current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value; and

(v) identify any priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(vi) identify gaps in the current Federal and State regulatory framework and in existing data for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines;

(vii) identify Federal and State financing mechanisms available to project developers; and

(viii) develop recommendations for relevant Federal agencies on how to develop and research technologies that—

(I) can capture carbon dioxide; and

(II) would be able to be deployed within the region covered by the task force, including projects that have received technical or financial assistance for research under paragraph (6) of section 103(g) of the Clean Air Act (42 U.S.C. 7460q(g)).

(2) TERMS.—Each year, each task force shall prepare and submit to the Chair and to the other task forces a report that includes—
(i) any recommendations for improvements in efficient, orderly, and responsible issuance or administration of Federal permits and other Federal authorizations required under a law or regulation; and
(ii) any other nationally relevant information that the task force has collected in carrying out the duties under subparagraph (D).

(3) cumulative activities of the Department of Energy, for military construction, and for defense spending for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, insert the following:

SEC. 423. FEDERAL CYBERSECURITY AND RESEARCH PROTECTION POLICY.

(a) Definitions.—In this section—

(1) the term ‘‘covered applicant’’ means an applicant for funding from a Federal agency to carry out research under a covered program;

(2) the term ‘‘covered program’’ means a research program of a Federal agency for which the Director determines compliance with the research and development from foreign interference, cyber attacks, espionage, intellectual property theft, and other attempts by foreign actors seeking to utilize that information, and resulting technologies from the need to protect certain research data, appropriately balanced with concerns about the importance of the open exchange of ideas and international talent required for scientific progress and leadership of the United States in science and technology, and vulnerabilities within the United States scientific and technological enterprise:

(i) determining how current Federal efforts, as described in the memorandum on behalf of the Federal Government;

(ii) identifying potential cyber threats and vulnerabilities within the United States scientific and technological enterprise and weaknesses with Federal agencies, grantees, and covered applicants, including—

(iii) recommendations for improvements submitted by covered applicants for covered programs, which shall include—

(A) developing a framework for compliance with Federal cybersecurity protocols and protecting federally funded research and development activities from foreign interference, espionage, and exfiltration;

(B) coordinate activities to protect federally funded research and development from foreign interference, cyber attacks, theft, or espionage with key stakeholders, including higher education, federally funded research and development centers, and nonprofit research institutions, to help them better understand and defend against those threats;

(c) DEFINITION OF INTELLIGENCE COMMUNITY.—In this section, the term ‘‘intelligence community’’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3001).

SA 654. Mr. CORNYN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 423. FEDERAL CYBERSECURITY AND RESEARCH PROTECTION POLICY.

(a) Definitions.—In this section—

(1) the term ‘‘covered applicant’’ means an applicant for funding from a Federal agency to carry out research under a covered program;
SA 655. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. POLICY WITH RESPECT TO EXPANSION OF COOPERATION WITH ALLIES IN THE INDOPACIFIC REGION AND EUROPE TO COUNTER THE RISE OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) The People's Republic of China is leveraging military modernization, influence operations, and predatory economics to coerce neighboring countries to reorient the Indo-Pacific region to the advantage of the People's Republic of China.

(2) As the People's Republic of China continues its economic and military ascendance, asserting power through a whole of government long-term strategy, the People's Republic of China seeks to pursue a military modernization program that seeks Indo-Pacific regional hegemony in the near-term and displaces or Shimra the United States to achieve global preeminence in the future.

(3) The most important long-term objective of the defense strategy of the United States is to set the military relationship between the United States and the People's Republic of China on a path toward transparency and nonaggression.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to expand military, diplomatic, and economic alliances in the Indo-Pacific region and with Europe and like-minded countries around the globe that are critical to addressing the rise of the People's Republic of China; and

(2) to develop, in collaboration with such allies, a unified approach to address the rise of the People's Republic of China.

SA 656. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. REPORTS ON THEFT OF INTELLECTUAL PROPERTY CONDUCTED BY CHINESE PERSONS.

(a) CLASSIFIED REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit to Congress a report on theft of intellectual property conducted by Chinese persons.

(b) UNCLASSIFIED REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and make available to the public an unclassified report on theft of intellectual property conducted by Chinese persons.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of any Chinese person that—

(i) has conducted theft of intellectual property from one or more United States entities; or

(ii) is using or has used intellectual property stolen by a Chinese person in commercial activity in the United States.

(B) A general description of the intellectual property involved.

(C) For each Chinese person identified under subparagraph (A), an assessment of whether that person is using or has used the stolen intellectual property in commercial activity in the United States.

(3) DEFINITIONS.—In this section:

(A) AGENT OR INSTRUMENTALITY OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—The term "agent or instrumentality of the Government of the People's Republic of China" means any entity—

(1) that is a separate legal person, corporation, or other organization;

(2) that is an organ of the Government of the People's Republic of China or a political subdivision thereof, or a majority of whose shares or other ownership interest is owned by that government or a political subdivision thereof; and

(3) that is neither a citizen of the United States, nor created under the laws of any third country.

(B) CHINESE PERSON.—The term "Chinese person" means—

(A) an individual who is a citizen or national of the People's Republic of China;

(B) an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China; or

(C) the Government of the People's Republic of China or any agency or instrumentality of the Government of the People's Republic of China.

(2) COMMERCIAL ACTIVITY.—The term "commercial activity" means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.

(4) INTELLECTUAL PROPERTY.—The term "intellectual property" includes—

(A) any work protected by a copyright under title 17, United States Code;

(B) any property protected by a patent under any of the United States Patent and Trademark Office under title 35, United States Code;
ordered to lie on the table; as follows:

SA 657. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title C of title XVI, add the following:

SEC. 16. UPDATE ON COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON WEAPON SYSTEMS CYBERSECURITY.

(a) UPDATE REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress an update to the October 2018 report of the Comptroller General entitled “Weapon Systems Cybersecurity”.

(b) CONTENTS.—The update required by subsection (a) shall include the following:

(1) Recommendations to minimize cyber vulnerabilities in weapon systems.

(2) A proposed timeline for implementing such recommendations.

(c) FORM.—The update submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 658. Mr. COTTON (for himself, Mr. SCHUMER, Mr. CRAPO, Mr. BROWN, Mr. RUBIO, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. TOOMEY, Mr. CORNYN, Mrs. CAPITO, Mr. PETERS, Mr. MARKEY, Mr. McCAIN, Mr. STEIN, and Mrs. BLACKBURN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—SANCTIONS WITH RESPECT TO FOREIGN TRAFFICKERS OF ILLICIT SYNTHETIC OPIODS

SEC. 1701. SHORT TITLE.

This title may be cited as the “Pentanylan Sanctuary Act.”

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) The Centers for Disease Control and Prevention estimate that from September 2017 to September 2018 more than 200 people in the United States died from an opioid overdose, with synthetic opioids (excluding methadone), contributing to a record 31,900 overdose deaths. While drug overdose death estimates from methadone, semi-synthetic opioids, and heroin have decreased in recent years, deaths from synthetic opioids have continued to increase.

(2) Congress and the President have taken a number of actions to combat the demand for opioids in the United States, including enacting into law the SUPPORT for Patients and Communities Act (Public Law 115-271; 122 Stat. 2894). While new statutes restrict the rate of opioid prescriptions in recent years, fully addressing the United States opioid crisis will involve dramatically restricting the foreign supply of illicit opioids.

(3) The People’s Republic of China is the world’s largest producer of illicit fentanyl, fentanyl analogues, and their immediate precursors. From the People’s Republic of China, those substances are shipped primarily through express consignment carriers or international mail directly to the United States, or, alternatively, shipped directly to transnational criminal organizations in Mexico, Canada, and the Caribbean.

(4) The United States, People’s Republic of China, Mexico, and Canada have made important strides in combating the illicit flow of opioids through bilateral efforts of their respective agencies.

(5) The objective of preventing the proliferation of illicit opioids through existing multilateral and bilateral initiatives requires additional efforts to deny illicit actors the financial means to sustain their markets and distribution networks.

(6) The implementation on May 1, 2019, of the regulations of the People’s Republic of China to schedule all fentanyl analogues as controlled substances is a major step in combating opioid trafficking and represents a major achievement in United States-China law enforcement dialogues. However, that step will effectively fulfill the commitment that President Xi Jinping of the People’s Republic of China made to President Donald Trump at the Group of Twenty meeting in December 2018 only if the Government of the People’s Republic of China devotes sufficient resources to full implementation and strict enforcement of the new regulations. The effective enforcement of the new regulations should result in diminished trafficking of illicit fentanyl originating from the People’s Republic of China.

(7) While the Treasury used the Foreign Narcotics Kingspin Designation Act (21 U.S.C. 1901 et seq.) to sanction the first synthetic opioid trafficking entity in an April 2019 order, and financial sanctions policy tools are needed to help combat the flow of synthetic opioids into the United States.

SEC. 1701. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should adopt economic and other financial sanctions to further traffickers of illicit opioids to protect the national security, foreign policy, and economy of the United States and the health of the people of the United States;

(2) it is imperative that the People’s Republic of China fulfill its commitment that President Xi Jinping of the People’s Republic of China follow through on full implementation of the new regulations, adopted May 1, 2019, to treat all fentanyl analogues as controlled substances under the laws of the People’s Republic of China, including by devoting sufficient resources for implementation and strict enforcement of the new regulations;

(3) the effective enforcement of the new regulations should result in diminished trafficking of illicit fentanyl originating from the People’s Republic of China into the United States, so it is in the interests of both the United States and the People’s Republic of China to cooperate and, and strict enforcement of the regulations.

SEC. 1704. DEFINITIONS.

In this title:

(1) ALIEN; NATIONAL; NATIONAL OF THE UNITED STATES.—The terms “alien”, “national”, and “national of the United States” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term “appropriate congressional committees and leaders” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) CONTROLLED SUBSTANCE; LISTED CHEMICAL.—The terms “controlled substance” and “listed chemical”, “narcotic drug”, and “opoid” have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(4) ENTITY.—The term “entity” means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any form of business collaboration.

(5) FOREIGN OPIOID TRAFFICKER.—The term “foreign opioid trafficker” means any foreign person that the President determines plays a significant role in opioid trafficking.

(6) FOREIGN PERSON.—The term “foreign person” means—

(i) any citizen or national of a foreign country;

(ii) any entity not organized under the laws of the United States, that is a jurisdiction within the United States; and

(B) does not include the government of a foreign country.

(7) KNOWLEDGE.—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) OPIOID TRAFFICKING.—The term “opiod trafficking” means any illicit activity—

(A) to produce, manufacture, distribute, sell, or knowingly transfer a synthetic opioid, controlled substances that are synthetic opioids, listed chemicals that are synthetic opioids, or active pharmaceutical ingredients of such opioids or chemicals that are used in the production of controlled substances that are synthetic opioids;

(B) to attempt to carry out any activity described in paragraph (A); or

(C) to assist, abet, conspire, or collude with other persons to carry out any activity described in paragraph (A).

(9) PERSON.—The term “person” means an individual, an organization, or an entity.

(10) UNITED STATES PERSON.—The term “United States person” means—

(A) any citizen or national of the United States;

(B) any alien lawfully admitted for permanent residence in the United States;
(C) any entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity); or

(D) any person located in the United States.

Subtitle A—Sanctions With Respect to Foreign Opioid Traffickers

SEC. 1711. IDENTIFICATION OF FOREIGN OPIOID TRAFFICKERS

(a) Public report.—

(1) IN GENERAL.—The President shall submit to the appropriate congressional committees and leadership, in accordance with subsection (c), a report—

(A) identifying the foreign persons that the President determines are foreign opioid traffickers;

(B) detailing progress the President has made in implementing this subtitle; and

(C) providing an update on cooperative efforts with the Governments of Mexico and the People’s Republic of China with respect to combating foreign opioid traffickers.

(2) Identification of additional persons.—If, at any time after submitting a report required by paragraph (1) and before the submission of the next such report, the President determines that a foreign person not identified in the report is a foreign opioid trafficker, the President shall submit to the appropriate congressional committees and leadership an additional report containing information required by paragraph (1) with respect to the foreign person.

(3) Exclusion.—The President shall not be required to include in a report under paragraph (1) any persons with respect to which the United States has imposed sanctions before the date of the report under this subtitle or any other provision of law with respect to opioid trafficking.

(b) Form of report.—

(A) IN GENERAL.—Each report required by paragraph (1) or (2) shall be submitted in an unclassified form but may include a classified annex.

(B) Availability to public.—The unclassified portion of a report required by paragraph (1) or (2) shall be made available to the public.

(c) Classified report.—

(1) IN GENERAL.—The President shall submit to the appropriate congressional committees and leadership, in accordance with subsection (c), a report, in classified form—

(A) describing actions the President intends to undertake or has undertaken to implement this subtitle; and

(B) providing background information with respect to persons newly identified as foreign opioid traffickers and their illicit activities;

(C) describing actions the President intends to undertake or has undertaken to implement this subtitle; and

(D) providing a strategy for identifying additional traffickers.

(2) Effect on other reporting requirements.—The report required by paragraph (1) is in addition to the obligations of the President to fully and truthfully submit the reports required by subsections (a) and (b) to the appropriate congressional committees and leadership.

(d) Submission of certain information.—

(1) Intelligence.—Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity of any person if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, source, or method of the United States.

(2) Law enforcement.—Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity of any person if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of the Treasury, the Secretary of State, and the head of any other appropriate executive department or agency, determines that such disclosure could reasonably be expected—

(A) to compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) to endanger the life or physical safety of any person;

(D) to cause substantial harm to physical property.

(3) Notification required.—If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (2), the Director or the Attorney General shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(4) Rule of construction.—Nothing in this section may be construed to authorize or compel the disclosure of information determined by the President to be law enforcement, intelligence, or other information the disclosure of which is prohibited by any other provision of law.

(e) Provision of information required for reports.—The Secretary of the Treasury, the Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence shall consult among themselves and provide to the President and the Director of the Office of National Drug Control Policy the appropriate and necessary information to enable the President to submit the reports required by subsection (a).

SEC. 1712. SENSE OF CONGRESS ON INTER-NATIONAL OPIOID CONTROL REGIME.

It is the sense of Congress that, in order to apply economic and other financial sanctions to foreign traffickers of illicit opioids to protect the national security, foreign policy, and economic interests of the United States—

(1) the President should instruct the Secretary of State to commence immediately diplomatic efforts, both in appropriate international fora such as the United Nations, the Group of Seven, the Group of Twenty, and bilaterally with partners of the United States, to combat foreign opioid trafficking, including by working to establish a multilateral sanctions regime with respect to foreign opioid trafficking; and

(2) the Secretary of State, in consultation with the Attorney General, should intensify efforts to maintain and strengthen the coalition of countries formed to combat foreign opioid trafficking.

SEC. 1713. IMPOSITION OF SANCTIONS.

The President shall impose five or more of the sanctions described in section 1714 with respect to each foreign person that is an entity, and four or more of such sanctions with respect to each foreign person that is an individual, that—

(1) is identified as a foreign opioid trafficker in a report submitted under section 1711(a); or

(2) the President determines is owned, controlled, directed by, or in any manner, or for the benefit of, a foreign person that is an individual that is identified as a foreign opioid trafficker in a report submitted under section 1711(a).

(a) In general.—The sanctions that may be imposed with respect to a foreign person under section 1713 are the following:

(1) Loans from United States financial institutions.—The United States Government may not extend or make any loan, guarantee of a loan, or guarantee of other financial institution from making loans or providing credits to the foreign person.

(2) Prohibitions on financial institutions.—The following prohibitions may be imposed with respect to a foreign person that is a financial institution:

(A) Prohibition on designation as primary dealer.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of the financial institution from acting as a primary dealer in United States Government debt instruments.

(B) Prohibition on service as a depository of government funds.—The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

(3) Procurement ban.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the foreign person.

(4) Foreign exchange.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

(5) Sanctions on financial institutions.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions and any or all financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve an interest of the foreign person.

(6) Property transactions.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, or transporting any property that is subject to the jurisdiction of United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) Ban on investment in equity or debt of sanctioned person.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign person.

(8) Exclusion of corporate officers.—The President may direct the Secretary of the Treasury, the Secretary of Homeland Security to exclude from the United States, any alien that the President...
determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign person.

(9) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS — The President may impose on the principal executive officer or officers of the foreign person, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(10) CONNECTIVITY — A person that violates, attempts to violate, conspires to violate, or causes a violation of any regulation, license, or order issued to carry out subsection (a) shall be subject to the penalties specified in subsections (b) and (c) of section 220 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.

(11) EXCEPTIONS — .

(12) INTELLIGENCE AND LAW ENFORCEMENT ACTIVITIES — Sanctions under this section shall not apply with respect to —

(A) any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.);

(B) any authorized intelligence and law enforcement activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT—Sanctions under subsection (a)(8) shall not apply to an alien who enters into the United States to comply with the Agreement regarding the Headquarters of the United Nations, done at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(3) IMPLEMENTATION — REGULATORY AUTHORITY — .

(1) IMPLEMENTATION — The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) REGULATORY AUTHORITY — The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

SEC. 1715. WAIVERS.

(a) WAIVERS FOR STATE-OWNED FINANCIAL INSTITUTIONS IN COUNTRIES THAT COOPERATE IN MULTILATERAL ANTI-TRAFFICKING EFFORTS — .

(1) IN GENERAL — The President may waive, for a period of not more than 12 months the application of sanctions under this subtitle if the President determines that the application of such sanctions would harm —

(A) the national security interests of the United States; or

(B) the ability of the United States to achieve international cooperation to combat synthetic opioid trafficking.

(2) CERTIFICATION — The President shall certify under paragraph (1) that a foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking.

(3) CERTIFICATION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT — Sanctions under subsection (a)(8) shall not apply to an alien who enters into the United States to comply with the Agreement regarding the Headquarters of the United Nations, done at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(b) RULE OF CONSTRUCTION — Nothing in this section shall be construed to confer or imply any right to judicial review of any finding under this subtitle, or any prohibition, condition, or penalty imposed as a result of any such finding.

SEC. 1717. BRIEFINGS ON IMPLEMENTATION.

The President shall conduct, before the date of the enactment of the Fentanyl Sanctions Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, a briefing of the Secretary of the Treasury, in coordination with the Secretary of the Treasury, shall provide to the appropriate congressional committees and leadership a comprehensive briefing on efforts to implement this subtitle.

SEC. 1718. INCLUSION OF ADDITIONAL MATERIAL IN INTERNATIONAL NARCOTICS CONTROL REPORT — The international narcotics control report required by section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)) is amended by adding at the end the following:

''(g)(4)(A) The report shall include a description of those measures; and

(8) relations between—

(aa) the United States; and

(bb) the People's Republic of China, Mexico, or any other country of concern with respect to trafficking in synthetic opioids; or

(3) INTRADE — The Commission may not appoint an individual to serve as the Commission if the individual possesses any personal or financial interest in the drug trade of any of the duties of the Commission.

(iii) The Commission's recommendations to the President, as described in clause (i) shall (1) possess an appropriate level of expertise, (2) be conducted in accordance with applicable provisions of law concerning the handling of classified information.
(II) For the purpose of facilitating the activities of the Commission, the Director of National Intelligence shall expedite to the fullest degree practical the processing of security clearances that may be necessary for members of the Commission.

(2) CO-CHAIRS.—

(A) IN GENERAL.—The Commission shall have two co-chairs selected from among the members of the Commission, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party.

(B) SELECTION.—The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(c) DUTIES.—The duties of the Commission are as follows:

(1) To define the core objectives and priorities of the strategic approach described in subsection (a)(1).

(2) To weigh the costs and benefits of various strategic options to combat the flow of synthetic opioids from the People’s Republic of China and other countries.

(3) To evaluate whether the options described in paragraph (2) are exclusive or complementary, the best means for executing such options, and how the United States should incorporate and implement such options within the strategic approach described in subsection (a)(1).

(4) To review and make determinations on the difficult choices present within such options, among them what norms-based regimes the United States should seek to establish and the effective regulation of dangerous synthetic opioids.

(5) To report on efforts by actors in the People’s Republic of China to subvert United States laws and to supply illicit synthetic opioids to persons in the United States, including up-to-date estimates of the scale of illicit synthetic opioids flows from the People’s Republic of China.

(6) To report on the deficiencies in the regulation of pharmaceutical and chemical production of controlled substances and export controls that allow opioid traffickers to persons in the United States, including up-to-date estimates of the scale of illicit synthetic opioids flows from the People’s Republic of China.

(7) To report on the intelligence community’s efforts to subvert the United States.

(8) To report on how the United States could work more effectively with provincial and local officials in the People’s Republic of China and other countries to combat the illicit production of synthetic opioids.

(9) In weighing the options for defending the United States against the dangers of trafficking in synthetic opioids, to consider possible exceptions to the authorities that may be established, revised, or augmented within the Federal Government.

(d) FUNCTIONING OF COMMISSION.—The provisions of subsections (c), (d), (e), (g), (b), (h), (l), and (m) of section 1652 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) shall apply to the Commission to the same extent and in the same manner as such provisions apply to the commission established under that section, except that—

(1) the provisions of subsection (c)(1) of that section shall be applied and administered by substituting “30 days” for “45 days”;

(2) subsection (g)(4)(A) of that section shall be applied, in its application to the Attorney General, as applied by the Attorney General after “Secretary of Defense”;

(3) subsections (b)(2)(A) and (c)(1) of that section shall be applied and administered by substituting “level V of the Executive Schedule under section 5316” for “level IV of the Executive Schedule under section 5315”;

(e) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information provided to the Director of National Intelligence by the United States that is received, considered, or used by the Commission under this section.

(2) INFORMATION PROVIDED BY CONGRESS.—Any information related to the national security of the United States that is provided to the Commission by the appropriate congressional committees and leadership may not be further provided or released without the approval of the chairperson of the committee, or the Member of Congress, as the case may be, that provided the information to the Commission.

(3) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any provision of law, after the termination of the Commission under subsection (h), only the members and designated staff of the appropriate congressional committees and leadership of the Commission under subsection (h), the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(f) REPORTS.—

(1) QUARTERLY REPORTS ON PROGRAM.—Not later than 90 days after the date of the enactment of this Act, and thereafter, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly submit to the appropriate congressional committees and leadership a report on the status and accomplishments of the program required by subsection (a) during the 90-day period ending on the date of the report required by such paragraph, and each report under this paragraph shall also include a description of the amount of funds funded by the intelligence community to the efforts described in subsection (a) during each of fiscal years 2017 and 2018.

(2) REPORT ON REVIEW.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly submit to the appropriate congressional committees and leadership a comprehensive description of the results of the review required by subsection (b), including whether the priorities described in subsection (a)(1) are appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs.

(g) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $5,000,000 for each of fiscal years 2020 through 2025 to carry out the purposes described in subsection (a) during each of fiscal years 2020 through 2025.

(h) TERMINATION.—

(1) IN GENERAL.—The Commission, and all authorities created under this section, shall terminate not later than 270 days after the date of the initial report under paragraph (1), a final report on the activities and recommendations of the Commission under this section; and

(2) not later than 270 days after the submission of the initial report under paragraph (1), the appropriate congressional committees and leadership of the Commission under subsection (h) shall submit to the appropriate congressional committees and leadership a report on the activities and recommendations of the Commission under this section.

(i) SUBTITLE C—OTHER MATTERS

SEC. 1731. DIRECTOR OF NATIONAL INTELLIGENCE PROGRAM ON USE OF INTELLIGENCE RESOURCES IN ENFORCEMENT OF OPIOID LAW.

(a) PROGRAM REQUIRED.—

The Director of National Intelligence shall, with the concurrence of the Director of the Office of National Drug Control Policy, carry out a program to allocate appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs.

(b) OPERATIONS AND ACTIVITIES.—The operations and activities described in subsection (a) are the operations and activities of the Director of National Intelligence and the Director of the Office of National Drug Control Policy.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) shall be in addition to and not in lieu of any amounts otherwise available to carry out the operations and activities described in subsection (b).
S387

(d) Notification Requirement.—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President’s intention to obligate such funds.
(e) Concurrence of Secretary of State.—Operations and activities described in subsection (b) shall not be funded with foreign persons shall be conducted with the concurrence of the Secretary of State.

SEC. 1733. DEPARTMENT OF STATE FUNDING.
(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of State to carry out the operations and activities described in subsection (b) $25,000,000 for each of fiscal years 2020 through 2025.

(b) Operations and Activities Described.—The operations and activities described in this subsection are the operations and activities of the Department of State in carrying out this title.
(c) Supplement Not Supplant.—Amounts authorized to be appropriated by subsection (a) shall supplement and not supplant other amounts available to carry out the operations and activities described in subsection (b).

(d) Notification Requirement.—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President’s intention to obligate such funds.

SA 659. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of part II of subtitle A of title XVI, add the following:

SEC. 1617. ACQUISITION STRATEGY FOR CATEGORY C SPACE LAUNCH MISSIONS.
(a) In General.—Not later than March 1, 2020, the Secretary of the Air Force shall submit to the congressional defense committees a report on the acquisition strategy required by subsection (d) for the National Security Space Launch. The Air Force may transfer up to $100,000,000 to support the acquisition strategy required by subsection (a). The Air Force shall, in the budget materials submitted to the President in conjunction with the submission to Congress of budget materials pursuant to section 1105 of title 31, United States Code, use a separate, dedicated line item for the procurement of Category C missions.

(b) Funding Authorized.—Of the funds authorized to be appropriated in fiscal year 2020 for National Security Space Launch, the Air Force may use up to $100,000,000 to support the acquisition strategy required by subsection (a).

(c) Competition.—The Air Force shall use full and open competition to the maximum extent practicable in the acquisition of Category C space launch services.

(d) Report Required.—(1) In General.—Not later than 30 days after the date on the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the cost of constructing infrastructure in multiple remote ground sites for the acquisition of Category C mission requirements in addition to existing obstacles which prevent Category C missions from being conducted out of a single location.

(2) Elements.—The report required under paragraph (1) shall include—
(A) a current funding by the Department of Defense to establish launch sites to meet Category C requirements; and
(B) an assessment of the feasibility of bringing Category C launches including a strategy to mitigate those concerns.

SA 660. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 1617. ACCOUNTING FOR FULL INVESTMENT IN NATIONAL SECURITY SPACE LAUNCH PROGRAM.
(a) In General.—In awarding any contract for space launch services for the National Security Space Launch Program, or any successor program, the Secretary of Defense shall ensure that the total government investment in the development and procurement of the launch services from launch services agreements is accounted for in determining the total evaluated contract price.
SA 662. Mr. ROMNEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. LIMITATION ON REMOVAL OF HUAWEI TECHNOLOGIES CO. LTD. FROM ENTITY LIST OF BUREAU OF INDUSTRY AND SECURITY.

The Secretary of Commerce may not remove Huawei Technologies Co. Ltd. (in this section referred to as “Huawei”) from the entity list maintained by the Bureau of Industry and Security and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations, until the Secretary certifies to Congress that—

(1) neither Huawei nor any senior officers of Huawei have engaged in actions in violation of sanctions imposed by the United States or the United Nations in the 5-year period ending on the certification;

(2) Huawei has not engaged in theft of United States intellectual property in that 5-year period;

(3) Huawei does not pose an ongoing threat to United States telecommunications systems or critical infrastructure; and

(4) Huawei does not pose a threat to critical infrastructure of allies of the United States.

SA 663. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XIV, add the following:

SEC. 1412. REPORT RELATING TO RARE EARTH ELEMENTS.

Not later than 270 days after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of Defense, shall submit to Congress a report that asesses the viability and necessity of using or developing new technologies to reduce the reliance of the United States on imports of rare earth elements, including through—

(1) traditional extraction of such elements;

(2) nontraditional corrosive extraction and refining of such elements from ore and coal; and

(3) nontraditional noncorrosive extraction and refining of such elements from ore and coal.

SA 664. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 729. REPORT ON RELIANCE BY DEPARTMENT OF DEFENSE ON PHARMACEUTICAL PRODUCTS FROM CHINA.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Health and Human Services, shall submit to the appropriate congressional committees a classified report on the reliance by the Department of Defense on imports of certain pharmaceutical products made in or in whole in China.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) analyze the percent of pharmaceutical products made in or in whole in China, including—

(A) drugs;

(B) nonprescription drugs intended for human use;

(C) active ingredients;

(D) polymers used to build pharmaceutical products;

(E) antibiotic drugs;

(F) dietary supplements; and

(G) any other pharmaceutical product, or its components, as the Secretary considers appropriate;

(2) assess the products identified under paragraph (1) to determine—

(A) whether the Department of Defense can procure the product from alternative sources;

(B) whether reliance by the Department of Defense on the product is likely, or has significant potential, to be used for a military, geopolitical, or economic advantage against the United States;

(C) if reliance on the product creates a risk for the United States; and

(D) what reliance would be if access to the product was terminated; and

(3) set forth recommendations to ensure that by 2025 no pharmaceutical products purchased with funds authorized or made available under this Act by the Department of Defense or any associated program are made in part or in whole in China.

(c) DEFINITIONS.—In this section:

(1) ANTIBIOTIC DRUG.—The term “antibiotic drug” has the meaning given that term in section 214(j) of the Food, Drug, and Cosmetic Act (21 U.S.C. 355 or 382).

(2) DRUG.—The term “drug” means a product subject to regulation under section 505 or section 802 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 or 382) or under section 351 of the Public Health Service Act (42 U.S.C. 321).

(3) NONPRESCRIPTION DRUG.—The term “nonprescription drug” has the meaning given that term in section 760(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 375(a)(2)).

SA 665. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 333. SENSE OF CONGRESS ON BED DOWN OF CERTAIN AIRCRAFT AT TYNDALL AIR FORCE BASE.

It is the sense of Congress that the Secretary of the Air Force should—

(1) bed down three F-35 squadrons and an MQ-9 Wing at Tyndall Air Force Base; and

(2) use innovative construction methods, materials, designs, and technologies in carrying out such bed down in order to achieve efficiencies, cost savings, resiliency, and capability, which may include—

(A) innovative and resistant basing that is highly resilient to weather and natural disasters;

(B) open architecture design to evolve with the national defense strategy; and

(C) efficient enterprise for members of the Air Force in the 21st century.

SA 666. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 214.

SA 667. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 542, strike lines 14 through 18, and insert the following:

“(14) Coastal defense and anti-ship missile systems.”

On paragraph (15), as so redesignated, by striking “paragraphs (1) through (13)” and inserting “(paragraphs (1) through (14));” and
SA 668. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XVI, add the following:

SEC. 1688. PROHIBITION ON USE OF FUNDS FOR LONG-RANGE STANDOFF WEAPON OR W80 WARHEAD LIFE EXTENSION PROGRAM.

Notwithstanding any other provision of this Act or any other provision of law, none of the funds authorized to be appropriated for fiscal year 2020 for the Department of Defense, the Department of Energy, or any other Federal agency or department may be obligated or expended for the development, procurement, testing, or other use of funds authorized to be appropriated for fiscal year 2020 for the W80 or W88 warhead life extension program.

SA 669. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 589. ATOMIC VETERANS SERVICE MEDAL.

(a) Service Medal Required.—The Secretary of Defense shall design and produce a military service medal, to be known as the “Atomic Veterans Service Medal”, to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1128(c)(3) of title 10, United States Code).

(b) Distribution of Medal.—

(1) Issuance to Retired and Former Members.—At the request of a radiation-exposed veteran who is deceased, the Secretary may issue the Atomic Veterans Service Medal to the veteran.

(2) Issuance to Next-of-Kin.—In the case of a radiation-exposed veteran who is deceased, the Secretary may issue the Atomic Veterans Service Medal to the next-of-kin of the person.

(c) Inspection and Dissemination.—The Secretary shall prepare and disseminate as appropriate an application by which radiation-exposed veterans and their next-of-kin may apply to receive the Atomic Veterans Service Medal.

SA 670. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 1291. SHORT TITLE.

This Act may be cited as the “Save Arms Control and Verification Efforts Act of 2019” or “SAVE Act”.

SEC. 1292. FINDINGS.

Congress makes the following findings:

(1) Every United States president since John F. Kennedy has successfully concluded at least one agreement with Russia to reduce nuclear dangers.

(2) If the Intermediate Range Nuclear Forces Treaty and the New START Treaty is not extended, or a new treaty is not negotiated and ratified before 2021, there would be no legally binding, verifiable limits on the United States or Russia’s strategic offensive nuclear forces.

(3) For both the United States and the Russian Federation, the New START Treaty’s transparency and verification measures provide invaluable insight into the size, capabilities, and operations of both countries’ nuclear forces, which are more important today than ever before.

(4) Former Republican and Democratic national security leaders, including George Shultz, William Perry, Richard Burt, Sam Nunn, Richard Lugar, and others, have expressed support for a prompt decision to extend the New START Treaty.

(5) Chairman of the United States military leaders continue to see value in the New START Treaty, including Gen. John Hyten, Commander of United States Strategic Command, who told Congress in March that bilateral, verifiable arms control agreements are essential to our ability to provide an effective deterrence, and testified before Congress in February 2019 that extending the treaty is important because it provides to the United States “a cap on [Russia’s] strategic baseline nuclear weapons, and their ballistic missiles, submarines and bombers” and “just as important it gives me insight through the verification regime to their Russia’s real capabilities.”

(6) The United States and its allies have consistently expressed support for a decision by the United States and the Russian Federation to extend New START before the scheduled expiration date in 2021.

(7) Russian President Vladimir Putin said in July 2018 that “I reassured President Trump that Russia stands ready to extend New START, but, of course, we have to agree on the specifics...”.

(8) The Department of Defense Report on the Strategic Nuclear Forces of the Russian Federation submitted in conjunction with the 1240 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1635) determined that Russia “would not be able to achieve a militarily significant advantage by any plausible expansion of its strategic nuclear forces, even in a cheating or breakout scenario under the New START Treaty, primarily because of the inherent survivability of the planned United States strategic force structure, particularly the Ohio-class ballistic missile submarines, a number of which are at sea at any given time”.

(9) For as long as it must exist, the United States nuclear arsenal must be maintained and modernized in a cost-effective manner to ensure it remains a safe, secure, and reliable effective nuclear force that can continue to deter nuclear attack on the United States and its allies, and so that the United States can continue to pursue further verifiable reductions in global nuclear stockpiles consistent with its obligations under the Nuclear Nonproliferation Treaty.

(10) The New START Treaty created a Bilateral Consultative Commission to resolve issues related to implementation of the New START Treaty, and Article II of the New START Treaty states, “When a Party believes that a new kind of strategic offensive arm is emerging, that Party shall have the right to raise the question of such a strategic offensive arm for consideration in the Bilateral Consultative Commission.”

(11) It is the sense of the Senate that—

(1) extending the New START Treaty by a period of five years is in the national security interest of the United States, so long as the Russian Federation continues to meet the central limits of the treaty;

(2) the United States should immediately seek to begin discussions with the Russian Federation to extend the New START Treaty by an additional 5-year extension of the New START Treaty;

(3) the United States should use the Bilateral Consultative Mechanism with the New START Treaty to address issues related to new Russian strategic nuclear weapons it believes may fall under New START treaty limits;

(4) extending the New START Treaty would facilitate efforts by the United States to pursue additional arms control efforts
with the Russian Federation, including efforts to address the Russian Federation’s nonstrategic nuclear weapons and emerging technologies such as hypersonic weapons.

(5) A cost estimate and estimated timeline for developing these new or additional capabilities, and a description of how these new or additional capabilities would impact the Department of Defense’s intelligence gathering requirements related to the Russian Federation’s nuclear forces may affect other United States intelligence gathering needs.

(6) An assessment of projections for Russian Federation nuclear and non-nuclear force size, structure, and composition with the New START Treaty in place and without the limitations in place.

(7) An assessment of Russian Federation actions, intentions, and likely responses to the New START Treaty and subsequently developing platforms and weapons beyond the New START Treaty’s limitations.

(b) BRIEFSING.—The Director of National Intelligence shall brief the appropriate congressional committees on the elements set forth in subsection (a) when the National Intelligence Estimate is submitted under such subsection and every 120 days thereafter.

SEC. 1296. REPORTING REQUIREMENTS.

(a) DEPARTMENT OF DEFENSE.—

(1) REPORT ON EXPECTED FORCE STRUCTURE CHANGES IN EVENT OF TREATY LAPSE.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the expected force structure changes in event of the New START Treaty lapsing and not later than February 5, 2021, if the New START Treaty is allowed to lapse, the Secretary of Defense shall submit to the appropriate congressional committees a report that discusses changes to the expected force structure of the United States Armed Forces if the New START Treaty is no longer in place and estimating the expected costs necessary to make such changes.

(2) REPORT ON IMPACTS TO MODERNIZATION PLAN.—Not later than 90 days after the date of the enactment of this Act, and not later than February 5, 2021, if the New START Treaty is allowed to lapse, the Secretary of Defense shall submit to the appropriate congressional committees a report on how the current program of record to replace and upgrade United States nuclear weapons delivery systems and warheads, which anticipates the continued existence of the New START Treaty, would be modified without the existence of the New START Treaty. The report shall include the information required to be submitted in the report required by section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1576) and shall include—

(A) a separate 10-year cost estimate from the Department of Defense to implement a nonnuclear warhead delivery plan that does and does not anticipate the continued existence of the New START Treaty, including possible costs associated with conversion or uploading of strategic delivery vehicles and warheads;

(B) a separate 10-year cost estimate from the Department of Energy to implement a nuclear sustainment and modernization plan that does and does not anticipate the continued existence of the New START Treaty, including uploading warheads previously withdrawn from service;

(C) a description of how the absence of the New START Treaty limits would impact the schedule and cost of Department of Energy’s Stockpile Stewardship management plan; and

(D) an assessment of the potential impacts on how these changes will impact the Department of Energy’s nuclear weapons complex.

(b) DEPARTMENT OF STATE.—Not later than 90 days after the date of the enactment of this Act, and not later than February 5, 2021, if the New START Treaty is allowed to lapse, the Secretary of State shall submit to the appropriate congressional committees a report on the likely foreign policy implications of and potential impacts to United States diplomatic relations if the New START Treaty lapses. The report shall include the following elements:

(1) An assessment of the likely reactions of the North Atlantic Treaty Organization (NATO) and NATO member countries, United States allies, Asia, and permanent member of the United Nations Security Council.

(2) A description of the expected impacts on the Nuclear Nonproliferation Treaty and the ability of the United States to key nonproliferation objectives.

(3) An assessment of the risks posed to the long-term health of the Nuclear Nonproliferation Treaty in the absence of United States-Russia bilateral nuclear arms control agreements and dialogues.

(c) PRESIDENTIAL REPORT ON STRATEGIC ARMS CONTROL STRATEGY.—Not later than February 5, 2020, the President shall submit to the appropriate congressional committees a report including—

(1) a 5-year strategy for future strategic arms control agreements with the Russian Federation;

(2) an update on the status of any current discussions that may be in progress at time of report;

(3) a description of other United States bilateral and multilateral arms control efforts globally.

SEC. 1297. PROHIBITION ON INCREASES IN CERTAIN WARHEADS, MISSILES, AND LAUNCHERS.

(a) PROHIBITION.—

(1) IN GENERAL.—If either of the conditions in paragraph (2) occurs, the United States Government may not, except as provided in subsection (b), obligate or expend any funds to—

(A) increase above 1,550 the number of United States warheads operationally deployed on ICBMs, SLBMs, and heavy bombers;

(B) increase above 700 the number of deployed Intercontinental Ballistic Missiles (ICBMs), Submarine-Launched Ballistic Missiles (SLBMs), and heavy bombers;

(C) increase above 800 the number of deployed and non-deployed ICBM launchers, SLBM launchers, and heavy bombers;

(D) increase above 1,550 the number of deployed or non-deployed strategic warheads, including warheads deployed on Intercontinental Ballistic Missiles (ICBMs), Submarine-Launched Ballistic Missiles (SLBMs), and heavy bombers.

(2) CONDITIONS.—The conditions referred to in paragraph (1) are as follows:

(A) The President initiates United States withdrawal from the New START Treaty in accordance with the procedures outlined in the New START Treaty and its related protocols and annexes.

(B) As of February 5, 2021, the parties to the New START Treaty have not completed the procedures outlined in the New START Treaty and its related protocols and annexes to extend the Treaty’s effective date to February 5, 2026.

(3) EXCEPTIONS.—The President takes one or more actions to suspend United States obligations outlined in the New START Treaty and its related protocols and annexes.

(4) EXCEPTIONS.—The prohibition under subsection (a) shall not be in effect if all of the following conditions are met:

(A) increasing above 1,550 the number of the Russian Federation’s strategic warheads operationally deployed on launchers for ICBMs, SLBMs, and heavy bombers;
SA 672. Mr. CARPER (for himself and Mr. KAIN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense of the United States as a whole and specific industry sectors.

SEC. 1296. LIMITATIONS AND CONDITIONS ON AUTHORITY OF PRESIDENT TO MODIFY DUTY RATES OR OTHER IMPORT RESTRICTIONS.

(a) LIMITATION ON AUTHORITY OF PRESIDENT TO MODIFY DUTY RATES FOR NATIONAL SECURITY REASONS.—

(1) AUTHORITY TO MODIFY DUTY RATES FOR NATIONAL SECURITY REASONS.—Notwithstanding any other provision of law and except as provided in paragraph (3), the President may proclaim a new or additional national security duty on an article imported into the United States if—

(A) the President, not later than 30 calendar days after making the national security determination, submits to the International Trade Commission the duty proposal, the duty proposal under subparagraph (A), submits to the International Trade Commission the duty proposal, the duty proposal, including—

(i) a description of each article for which the President recommends a new or additional duty;

(ii) the proposed new or additional duty rate; and

(iii) the proposed duration of that rate;

(B) the President, not later than 15 calendar days after submitting the duty proposal, submits to Congress a request for authorization to modify duty rates in accordance with that duty proposal, including—

(i) a description of each article covered by that proposal; and

(ii) the proposed new or additional duty rate; and

(C) the President consults with the Committee on Finance and the Committee on Armed Services of the House of Representatives regarding the duty proposal under subparagraph (A), including—

(i) the short-term and long-term goals of the proposal;

(ii) an action plan to achieve those goals; and

(iii) plans to consult with officials of countries affected to resolve any issues relating to the proposal; and

(D) a joint resolution of approval under paragraph (2) is enacted.

(b) LIMITATION ON AUTHORITY OF PRESIDENT TO MODIFY DUTY RATES FOR NATIONAL SECURITY REASONS.—

(1) JOINT RESOLUTION OF APPROVAL DEFINED.—In this paragraph, the term ‘‘joint resolution of approval’’ means a joint resolution of the Congress authorizing the President to take such action, including—

(A) a resolution of approval adopted by both Houses of Congress by a vote of two-thirds of its Members present, and

(B) the blank space being filled with the date of the request submitted under paragraph (1)(B).

(2) JOINT RESOLUTION OF APPROVAL.—

(A) JOINT RESOLUTION OF APPROVAL DEFINED.—In this paragraph, the term ‘‘joint resolution of approval’’ means a joint resolution of the Congress authorizing the President to take such action, including—

(A) the President submits to Congress the material set forth in paragraph (1)(B).

(B) EXPEDITED PROCEDURES.—The provisions of subsections (b) through (f) of section 2411 of the Trade Act of 1974 (19 U.S.C. 2411) apply to a joint resolution of approval to the same extent that such subsections apply to joint resolutions under such section 152.

(C) CONGRESSIONAL RECORDER — SENATE. — This paragraph is enacted by Congress—

as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, for the session of such House and for all subsequent sessions of such House; and

as such is deemed an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rule of each House, respectively, for the session of such House and for all subsequent sessions of such House; and

as such is deemed an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, for the session of such House and for all subsequent sessions of such House.

(D) JOINT RESOLUTION OF APPROVAL DEFINED.—In this paragraph, the term ‘‘joint resolution of approval’’ means a joint resolution of the Congress authorizing the President to take such action, including—

(i) a resolution of approval adopted by both Houses of Congress by a vote of two-thirds of its Members present, and

(ii) the joint resolution of approval of the Congress submitted to the President.

(E) CONGRESSIONAL RECORDER — SENATE. — This paragraph is enacted by Congress—

as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, for the session of such House and for all subsequent sessions of such House; and

as such is deemed an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rule of each House, respectively, for the session of such House and for all subsequent sessions of such House; and

as such is deemed an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, for the session of such House and for all subsequent sessions of such House.

(F) JOINT RESOLUTION OF APPROVAL DEFINED.—In this paragraph, the term ‘‘joint resolution of approval’’ means a joint resolution of the Congress authorizing the President to take such action, including—

(i) a resolution of approval adopted by both Houses of Congress by a vote of two-thirds of its Members present, and

(ii) the joint resolution of approval of the Congress submitted to the President.

(G) CONGRESSIONAL RECORDER — SENATE. — This paragraph is enacted by Congress—

as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, for the session of such House and for all subsequent sessions of such House; and

as such is deemed an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rule of each House, respectively, for the session of such House and for all subsequent sessions of such House; and

as such is deemed an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, for the session of such House and for all subsequent sessions of such House.
the Senate and the Committee on Ways and Means of the House of Representatives and, if the proposal affects agricultural products, the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives;

(iv) a period of 60 calendar days, beginning on the date on which the Trade Representative has completed consultations under clause (iii), has passed; and

(v) no disapproval resolution under subparagraph (B) is passed during the period described in clause (iv).

"(B)(i) In this subparagraph, the term 'disapproval resolution' means a joint resolution the sole matter after the resolving clause of which is as follows: 'That implementation of the proposal by the Trade Representative to impose duties or other import restrictions submitted to Congress the material described in subsection (A)(ii).

"(ii) Paragraph (2) of section 106(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 2215(b)) applies to a disapproval resolution under this subparagraph to the same extent that such paragraph applies to a procedural disapproval resolution under section 106(b).

(2) CONFORMING AMENDMENT.—Paragraph (1)(B) of such section is amended by inserting "subject to paragraph (7)," before ""impose duties".

SA 673. Mr. BENNET (for himself and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 12. MODIFICATION OF SEMIANNUAL REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.

Paragraph (1) of section 1225(b) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3550) is amended:

(1) in the paragraph heading by inserting "TAKING INTO ACCOUNT THE AUGUST 28 THREAT STRATEGY OF THE UNITED STATES" after "2014"; and

(2) in subparagraph (B)—

(A) by striking the period at the end and inserting a semicolon;

(B) by striking "in the assessment of any such'" and inserting in the assessment of—

"(i) any such'"; and

(C) by adding at the end the following new clauses:

(iii) the United States counterterrorism mission; and

(iii) efforts by the Department of Defense to support reconciliation efforts and develop conditions for the accession of the Government of Afghanistan throughout Afghanistan.''

SA 674. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle P of title XII, insert the following:

SEC. 1272. REPORT ON EXPORT OF CERTAIN SATELLITES TO ENTITIES WITH CERTAIN BENEFICIAL OWNERSHIP STRUCTURES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on addressing the threat or potential threat posed by the export, reexport, or in-country transfer of satellites described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 22 U.S.C. 2778 note) to entities described in subsection (b).

(b) ENTITIES DESCRIBED.—

(1) In General.—An entity described in this subsection is an entity the beneficial owner of which—

(A) an individual who is a citizen or national of a country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013; or

(B) an entity organized under the laws of or otherwise subject to the jurisdiction of such a country;

(C) the government of such a country; or

(D) any other individual or entity the Secretary determines may detrimentally affect the national security of the United States.

(2) DETERMINATION OF BENEFICIAL OWNERSHIP.—For purposes of paragraph (1), the Secretary shall identify a person as the beneficial owner of an entity if—

(A) in a manner that is not less stringent than the manner set forth in section 240.133–3 of title 17, Code of Federal Regulations (as in effect on the date of the enactment of this Act); and

(B) based on a threshold, to be determined by the Secretary, based on an assessment of whether the person's position would give the person authority or control the use of a satellite described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 to be exported, reexported, or transferred in country to the entity.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the nature of any such entities described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 that have been exported, reexported, or transferred in-country, directly or indirectly, to entities described in subsection (b).

(2) An examination of the effect on national security of the potential export, reexport, or in-country transfer of satellites in compliance with section 1261(c) of the National Defense Authorization Act for Fiscal Year 2013, in which the services, bandwidth, or functions of the satellites could subsequently be leased or sold to, or otherwise used by, an entity described in subsection (b).

(3) An examination of the effect on national security of not limiting the export, reexport, or in-country transfer of such satellites described in subsection (b).

(4) Recommendations for, and an assessment of the effectiveness of, a licensing condition that would prohibit or limit the export, reexport, or in-country transfer of such satellites to, or the use of such satellites by, entities described in subsection (b).

(5) An assessment, based on realistic and justifiable assumptions and forecasts, of the economic implications of and potential harm caused by a licensing condition described in paragraph (4) on the United States industries that develop or produce satellites and commercial telecommunications equipment that do not have direct national security ties, including any costs identified under paragraph (3).

(6) An evaluation of the resources necessary to ensure the ability of the Bureau of Industry and Security of the Department of Commerce—

(A) to adequately identify and analyze the beneficial owners of entities in decisions related to section (a); and

(B) when evaluating such a decision—

(i) to have full knowledge of the potential end-user of the satellite and the current beneficial owner of the entity; and

(ii) to be able to determine whether issuing the license would be inconsistent with the goals of preventing entities described in subsection (b) from accessing or using such satellites.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEE.—In this section, the term "appropriate congressional committee" means—

(1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Select Committee on Intelligence;

(2) the Committee on Armed Services, the Committee on Financial Services, the Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 675. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XIII, add the following:

SEC. 324. PAYMENTS TO STATES FOR THE TREATMENT OF PERFLUOROOCTANE SULFONIC ACID AND PERFLUOROOCTANOIC ACID IN DRINKING WATER.

(a) In General.—The Secretary of the Air Force shall pay a local water authority located in the vicinity of an installation of the Air Force, or a State in which the local water authority is located, for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned by the local water authority to attain the lifetime health advisory level for such acids established by the Environmental Protection Agency and in effect on October 1, 2017.

(b) ELIGIBILITY FOR PAYMENT.—To be eligible to receive payment under subsection (a) the—

(1) a local water authority or State, as the case may be, must—
(A) request such a payment from the Secretary of the Air Force for reimbursable expenses not already covered under a cooperative agreement entered into by the Secretary relating to treatment of perfluorooctanoic acid and perfluorooctane sulfonic acid and perfluorooctanoic acid contamination before the date on which funding is made available to the Secretary for payments relating to such treatment; and
(B) upon acceptance of such a payment, waive all legal causes of action arising under chapter 111 of title 28, United States Code (commonly referred to as the ‘Federal Tort Claims Act’), and any other Federal tort liability statute for expenses for treatment and mitigation of perfluorooctanoic acid and perfluorooctane sulfonic acid and perfluorooctanoic acid incurred before January 1, 2018, and otherwise covered under this section;
(2) the elevated levels of perfluorooctanoic acid and perfluorooctanoic acid in the water must be the result of activities conducted by or paid for by the Department of the Air Force; and
(3) treatment or mitigation of such acids must have taken place during the period beginning on January 1, 2016, and ending on the day before the date of the enactment of this Act.

(c) AGREEMENTS.—
(1) IN GENERAL.—The Secretary of the Air Force may enter into such agreements with a local water authority or State as the Secretary considers necessary to implement this section.
(2) USE OF MEMORANDUM OF AGREEMENT.—The Secretary of the Air Force may use the applicable Defense State Memorandum of Agreement to pay amounts under subsection (a) to a State or a local water authority in that State without regard to existing agreements relating to environmental response actions or indemnification between the Department of the Air Force and that State.

(d) LIMITATION.—Any payment made under subsection (a) may not exceed the actual amounts appropriated to the Department of the Air Force and that State for military activities for the fiscal year in which the appropriation was made available.

(e) A VAILABILITY OF AMOUNTS.—Of the amounts appropriated to the Department of Defense for Operation and Maintenance, Air Force, $10,000,000 shall be available to carry out this section.

SA 676. Mr. SCHUMER (for himself, Mr. COTTON, Mrs. GILLIBRAND, Mr. VAN HOLLEN, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subtitle C of title X, add the following:

SEC. 811. DOCUMENTATION OF MARKET RESEARCH FOR NON-SEAL MILITARY PERSONNEL.

(a) In General.—Production of all locatable minerals, including any minerals identified by the Secretary of the Interior by regulation of not less than 5 percent of the gross income from mining for production of all locatable minerals, from any mining claim located under the general mining laws shall be subject to a royalty established by the Secretary of the Interior by regulation of not less than 5 percent, and not more than 8 percent, of the gross income from mining for production of all locatable minerals.

(b) ABANDONED MINE LAND RECLAMATION FEE.—Each operator of a hardrock minerals mining operation shall pay to the Secretary of the Interior a reclamation fee in an amount established by the Secretary of the Interior by regulation of not less than $1 per ton of the hardrock minerals mining operation for each calendar year.

(c) LIMITATION ON PATENTS.—
(1) DETERMINATIONS REQUIRED.—No patent shall be issued by the United States for any mining claim, millsite, or tunnel site located under the general mining laws unless the Secretary of the Interior determines that—
(A) a patent application was filed with the Secretary of the Interior with respect to the claim not later than September 30, 1994; and
(B) all requirements required to be met by the patent application under law were fully complied with by the date described in subparagraph (A).

(2) RENEWAL.—
(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding paragraph (3), if the
Secretary of the Interior makes the determinations under subparagraphs (A) and (B) of paragraph (1) with respect to a mining claim, millsite, or tunnel site, the claim holder shall be entitled to the issuance of a patent in the same manner and degree to which the claim holder would have been entitled to a patent before the date of enactment of this Act.

(B) WITHDRAWAL.—The claim holder shall not be entitled to the issuance of a patent if the determinations under subparagraphs (A) and (B) of paragraph (1) are withdrawn or invalidated by the Secretary of the Interior or, on review, by a court of the United States.

(3) REPEAL.—Section 2325 of the Revised Statutes (30 U.S.C. 29) is repealed.

SA 680. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1247. BRIEFING ON DETERRENCE OF OPPORTUNISTIC AGGRESSION BY THE RUSSIAN FEDERATION AGAINST BALTIC ALLIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall submit to the congressional defense committees a briefing on the following:

(1) The deterrence of opportunistic aggression by the Russian Federation against one or more Baltic allies in the case of engagement of the Armed Forces in a conflict with the People’s Republic of China.

(2) The deterrence of opportunistic aggression by the Russian Federation against one or more Baltic allies in the case of engagement of the Armed Forces in a conflict with the Democratic People’s Republic of Korea.

(3) The deterrence of opportunistic aggression by the People’s Republic of China against Taiwan in the case of engagement of the Armed Forces in a conflict with the Russian Federation.

(4) Recommendations to ensure that the Department will be able to meet any such requirements that the Department is unable to meet as of the date of the enactment of this Act.

SA 682. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1262. REPORT ON IMPROVEMENTS TO DETERRENCE EFFORTS WITH RESPECT TO THE PEOPLE’S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Commander of the United States Indo-Pacific Command, shall submit to the congressional defense committees a report detailing efforts to improve the ability of the Armed Forces and North Atlantic Treaty Organization forces to deny the ability of the Russian Federation to execute a fait accompli against one or more Baltic allies.

(b) MATTER TO BE INCLUDED.—The report under subsection (a) shall include an unclassified summary appropriate for release to the public.

(c) FORM.—The report under subsection (a) shall—

(1) be submitted in classified form; and

(2) include an unclassified summary appropriate for release to the public.

SA 684. Ms. COLLINS (for herself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. REPORT ON APPRENTICESHIPS AND ON-THE-JOB TRAINING FOR MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, shall submit to the appropriate committees of Congress a report on...
the efforts of the Department of Defense to promote the utilization of apprenticeships and on-the-job training by members of the Armed Forces transitioning from service in the Armed Forces to civilian life.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of outreach efforts to members of the Armed Forces with regard to the job training, employment skills training, apprenticeships, internships, and SkillBridge initiatives of the Department, including recommendations by the Secretary of Defense on ways in which such efforts could be improved.

(2) An assessment of utilization rates of the initiatives referred to in paragraph (1), disaggregated by military department.

(3) An explanation of efforts undertaken by the Secretary of Defense to coordinate and collaborate with the Secretary of Veterans Affairs with respect to apprenticeships and on-the-job training in order to maximize utilization of job training and education programs provided under laws administered by either the Secretary of Defense or the Secretary of Veterans Affairs, including efforts to highlight apprenticeship and on-the-job training opportunities in the Transition Assistance Program.

(4) Recommendations for legislative or administrative action to improve awareness, access, and utilization of apprenticeships and on-the-job training programs by members of the Armed Forces and veterans who have recently transitioned from service in the Armed Forces to civilian life.

(c) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term "appropriate committees of Congress" means—

(1) the congressional defense committees;

(2) the Committee on Health, Education, Labor, and Pensions and the Committee on Veterans' Affairs of the Senate; and

(3) Committee on Education and Labor and the Committee on Veterans' Affairs of the House of Representatives.

SA 685. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 811. ANALYSIS OF ALTERNATIVES PURSUANT TO MATERIAL DEVELOPMENT DECISIONS.

(a) TIMELINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall update existing guidelines for analyses of alternatives conducted pursuant to a materiel development decision for a major defense acquisition program to incorporate the following:

(1) Study completion within nine months.

(2) Study guidance issued by the Director, Cost Assessment and Program Evaluation of a scope designed to provide for reasonable completion of the study within the nine-month period.

(3) Procedures for waiver of the timeline requirements of this subsection on a case-by-case basis if—

(A) the subject of the analysis is of extreme technical complexity;

(B) collection of additional intelligence is required for the analysis; or

(C) insufficient technical expertise is available to complete the analysis; or

(D) the Secretary determines that there other sufficient reasons for delay of the analysis.

(b) REPORTING.—If an analysis of alternatives conducted pursuant to a materiel development decision is not completed within the allotted time, or a waiver is used, the Secretary shall report to the congressional defense committees the following information:

(1) For each waiver, the basis for use of the waiver, including the reasons why the study cannot be completed within the allotted time.

(2) For a study estimated to take more than nine months—

(A) an estimate of when the analysis will be completed;

(B) an estimate of any additional costs to complete the analysis; and

(C) other relevant information pertaining to the analysis and its completion.

Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501); and

(9) the term "Secretary" means the Secretary of Homeland Security.

(b) RESTATEMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the heads of the appropriate Federal agencies and the Committee on Homeland Security and Governmental Affairs of the Senate, shall establish a program to provide for nonprofit cyberspace organizations capable of enabling near-real-time information sharing of cybersecurity threats among cybersecurity and incident response organizations; and Federal and non-Federal efforts to prevent or disrupt cybersecurity threats or malicious cyber actors, by, as appropriate—

(A) sharing information relating to potential actions by the Federal Government against cybersecurity threats or malicious cyber actors with non-Federal entities; and

(B) facilitating joint planning between the appropriate Federal agencies and non-Federal entities relating to cybersecurity threats or malicious cyber actors; and

(c) FEDERAL COORDINATION.—The Secretary shall facilitate all Federal coordination, planning, and action relating to the pilot program.

(d) ANNUAL REPORTS TO APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and each year thereafter, the Secretary shall submit to the appropriate congressional committees and leadership a report on the collaboration efforts carried out during the year for which the report is submitted, which shall include—

(A) a statement of the total number collaboration efforts carried out during the year;

(B) with respect to each collaboration effort carried out during the year—

(I) the identity of any malicious cyber actor that, as a result of a cybersecurity threat that the malicious cyber actor engaged in or was linked to, was a subject of the collaboration effort;

(II) the responsibilities under the collaboration effort of each appropriate Federal agency and each non-Federal entity that participated in the collaboration effort; and

(III) whether the goal of the collaboration effort was achieved; and

(a) DESCRIPTION OF HOW EACH APPROPRIATE FEDERAL AGENCY AND EACH NON-FEDERAL ENTITY THAT PARTICIPATED IN THE COLLABORATION EFFORT CARRIED OUT THE COLLABORATION EFFORT;

(2) F ORM.—Any report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) TERMINATION.—The pilot program shall terminate on the date that is 3 years after the date of enactment of this Act, which shall be treated as the date of termination of the pilot program.
(1) authorize a non-Federal entity to engage in any activity in violation of section 1030(a) of title 18, United States Code; or
(2) limit an appropriate Federal agency or a non-Federal entity from engaging in a lawful activity.

SA 687. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle H—Eastern Mediterranean Security and Energy Partnership**

**SEC. 1291. SHORT TITLE.**

This subtitle may be cited as the “Eastern Mediterranean Security and Energy Partnership Act of 2019”.

**SEC. 1292. FINDINGS.**

Congress makes the following findings:

(1) The security of partners and allies in the Eastern Mediterranean region is critical to the security of the United States and Europe.
(2) Greece is a valuable member of the North Atlantic Treaty Organization (NATO) and a key pillar of stability in the Eastern Mediterranean.
(3) Israel is a steadfast ally of the United States and has been designated a “major non-NATO ally” and “major strategic partner”.
(4) Cyprus is a key strategic partner and signed a Statement of Intent with the United States on November 6, 2018, to enhance bilateral security cooperation.
(5) Israel, Greece, Cyprus, and Turkey have participated in critical trilateral summits to improve cooperation on energy and security issues.
(6) Secretary of State Mike Pompeo participated in the trilateral summit among Israel, Greece, and Cyprus on March 20, 2019.
(7) All four countries oppose any action in the Eastern Mediterranean that natural gas field off the Egyptian coast and the newest discoveries of natural gas off the Cypriot coast could represent a significant positive development for the Eastern Mediterranean and the Middle East, enhancing the region’s strategic energy significance.
(8) Turkish government officials have expressed their interest to purchase the Akcakoca system from the Russian Federation, which could trigger the imposition of mandatory sanctions under the Countering America’s Adversaries Through Sanctions Act (CAATSA) (Public Law 115–44), to include the purchase by Turkey of an S–400 system.
(9) Turkish government officials have expressed their interest to purchase the Akcakoca system from the Russian Federation, which could trigger the imposition of mandatory sanctions under the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44).
(10) It is in the national security interests of the United States to promote, achieve, and maintain energy security among, and through cooperation with, allies.
(11) Natural gas developments in the Eastern Mediterranean have the potential to provide economic gains and contribute to energy security in the region and Europe, as well as support European efforts to diversify away from natural gas supplied by the Russian Federation.
(12) The soon to be completed Trans Adriatic Pipeline is a critical component of the Southern Gas Corridor and the European Union’s efforts to diversify energy resources.
(13) The proposed Eastern Mediterranean pipeline if commercially viable would provide for diversification in accordance with the European Union’s third energy package of reforms.
(14) The United States acknowledges the achievements of the Biannual Industrial Research and Development Foundation (BIRD) and the United States-Israel Binational Science Foundation (BSF) and supports expanded multilateral efforts to ensure the continuity of the programs of the Foundations.
(15) The United States has welcomed Greece’s allocution of its gross domestic product (GDP) to defense in accordance with commitments made at the 2014 NATO Summit in Wales.
(16) Energy exploration in the Eastern Mediterranean region must be safeguarded against threats posed by terrorist and extremist groups, including Hezbollah and any other actor in the region.
(17) The energy exploration in the Republic of Cyprus’s Exclusive Economic Zone and territorial waters.
(18) United States Government cooperates closely with the Government of the Republic of Cyprus through information sharing agreements.
(19) United States officials have assisted the Government of the Republic of Cyprus with crafting that nation’s national security strategy.
(20) The United States Government provides training to Cypriot officials in areas such as cybersecurity, counterterrorism, and explosive ordnance disposal and stockpile management.
(21) The Republic of Cyprus is a valued member of the Proliferation Security Initiative to combat the trafficking of weapons of mass destruction.
(22) The Republic of Cyprus continues to work closely with the United Nations and regional partners to defend its national and external malign influences in the Eastern Mediterranean and the broader Middle East.”
(23) The recent discovery of potentially the largest natural gas field off the Egyptian coast and the newest discoveries of natural gas off the Cypriot coast could represent a significant positive development for the Eastern Mediterranean and the Middle East, enhancing the region’s strategic energy significance.
(24) Turkish government officials have expressed their interest to purchase the Akcakoca system from the Russian Federation, which could trigger the imposition of mandatory sanctions under the Countering America’s Adversaries Through Sanctions Act (Public Law 115–44).
(25) It is the policy of the United States—
(1) to continue to actively participate in the trilateral dialogue on energy, maritime security, cybersecurity protection of critical infrastructure conducted among Israel, Greece, and Cyprus;
(2) to support diplomatic efforts with partners and allies on energy security cooperation among Greece, Cyprus, and Israel and to encourage the private sector to make investments in energy infrastructure in the Eastern Mediterranean region;
(3) to strongly support the completion of the Trans Adriatic and Eastern Meditterranean Pipelines and development of liquefied natural gas (LNG) terminals across the Eastern Mediterranean as a means of diversifying regional energy needs away from the Russian Federation;
(4) to maintain a robust United States naval presence and investments in the naval facility at Souda Bay, Greece and develop security cooperation with the latter to include the recent MQ-9 deployments to the Larissa Air Force Base and United States Army helicopter training in central Greece.”

**SEC. 1294. UNITED STATES-EASTERN MEDITERRANEAN SECURITY AND ENERGY COOPERATION.**

**(a) IN GENERAL.—**The Secretary of State, in consultation with the Secretary of Energy, may enter into cooperative agreements supporting and enhancing dialogue and planning involving international partnerships between the United States and Israel, Greece, and Cyprus.

**(b) ANNUAL REPORTS.—**If the Secretary of State, in consultation with the Secretary of Energy, enters into agreements authorized...
under subsection (a), the Secretary shall submit an annual report to the appropriate congressional committees that describes—
(1) actions taken to implement such agreements;
(2) any projects undertaken pursuant to such agreements.
(c) UNITED STATES-EASTERN MEDITERRANEAN ENERGY CENTER—The Secretary of Energy, in consultation with the Secretary of State, may establish a joint United States-Eastern Mediterranean Energy Center in the United States with the expertise, knowledge, and expertise of institutions of higher education and entities in the private sector, among others, in offshore energy development, energy technology transfer, and analysis of emerging geopolitical implications, which include opportunities as well as crises and threats from foreign natural resource and energy acquisition.

SEC. 1295. REPEAL OF PROHIBITION ON TRANSFER OF ARTICLES ON THE UNITED STATES MILITARY EIGECTIONS LIST TO THE REPUBLIC OF CYPRUS.

(a) SENSE OF THE SENATE ON CYPRUS.—It is the sense of the Senate that—
(1) the Republic of Turkey purchases the S–400 air defense system from the Russian Federation in the Eastern Mediterranean;
(2) such a purchase would endanger the integrity of the NATO alliance;
(3) such a purchase would adversely affect ongoing operations of the United States Armed Forces, including coalition operations in which the United States Armed Forces participate;
(4) such a purchase would result in a significant impact to defense cooperation between the United States and Turkey;
(5) such a purchase would significantly increase the risk of compromising United States defense systems and operational capabilities; and
(6) the President should faithfully execute the Countering Russian Influence in Europe and Eurasia Act of 2017 by imposing and applying sanctions under section 235 of that Act (22 U.S.C. 9529) with respect to any individual or entity determined to have engaged in such a significant transaction.

SEC. 1296. IMET COOPERATION WITH GREECE AND CYPRUS.

There is authorized to be appropriated for fiscal year 2020 $2,000,000 for International Military Education and Training (IMET) assistance for Greece and $2,000,000 for such assistance for Cyprus. The assistance shall be made available for the following purposes:
(1) Training of future leaders.
(2) Fostering a better understanding of the United States.
(3) Establishing a rapport between the United States military and the country’s military to build alliances for the future.
(4) Enhancement of interoperability and capabilities for the countries.
(5) Focusing on professional military education.
(6) Enabling countries to use their natural funds to receive a reduced cost for other Department of Defense education and training.

SEC. 1298. LIMITATION ON TRANSFER OF F–35 AIRCRAFT TO TURKEY.

(a) IN GENERAL.—Except as provided under subsection (b), no funds may be obligated or expended—
(1) to transfer, facilitate the transfer, or authorize the transfer of, an F–35 aircraft to the Republic of Turkey;
(2) to trade, license, or transfer to the Republic of Turkey intellectual property or technical data necessary for or related to any maintenance or support of the F–35 aircraft; and
(3) to construct a storage facility for, or otherwise facilitate the storage in Turkey of, an F–35 aircraft transferred to Turkey.

(b) EXCEPTION.—The President may waive the limitation under subsection (a) upon a written certification to Congress that the Government of Turkey does not plan or intend to accept delivery of the S–400 air defense system.

(c) TRANSFER DEFINED.—In this section, the term “transfer” includes the physical re-location outside of the continental United States.

(d) APPLICABILITY.—The limitation under subsection (a) does not apply to F–35 aircraft operated by the United States Armed Forces.

SEC. 1299. SENSE OF THE SENATE ON PURCHASE BY TURKEY OF S–400 AIR DEFENSE SYSTEM.

It is the sense of the Senate that, if the Government of Turkey purchases the S–400 air defense system from the Russian Federation—
(1) such a purchase would constitute a significant transaction within the meaning of section 231(a) of the Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9525(a));
(2) such a purchase would endanger the integrity of the NATO alliance;
(3) such a purchase would adversely affect ongoing operations of the United States Armed Forces, including coalition operations in which the United States Armed Forces participate;
(4) such a purchase would result in a significant impact to defense cooperation between the United States and Turkey;
(5) such a purchase would significantly increase the risk of compromising United States defense systems and operational capabilities; and
(6) the President should faithfully execute the Countering Russian Influence in Europe and Eurasia Act of 2017 by imposing and applying sanctions under section 235 of that Act (22 U.S.C. 9529) with respect to any individual or entity determined to have engaged in such a significant transaction.

SEC. 1299A. STRATEGY ON UNITED STATES SECURITY AND ENERGY COOPERATION IN THE EASTERN MEDITERRANEAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, shall submit to the appropriate committees of Congress—
(1) a strategy to implement the provisions of this Act to support United States participation in and support for the Eastern Mediterranean Natural Gas Forum;
(2) an evaluation of possible delivery mechanisms into Europe for natural gas discoveries in the Eastern Mediterranean region;
(3) an evaluation of efforts to protect energy exploration infrastructure in the region, including United States companies;
(4) an assessment of the capacity of Cyprus to host an Energy Crisis Center in the region which could provide basing facilities in support search and rescue efforts in the event of an accident;
(5) an assessment of the timing of natural gas delivery in the region as well as assessment of the ultimate destination countries for natural gas delivered to the region;
(6) a plan to work with United States businesses seeking to invest in Eastern Mediterranean energy exploration, development, and cooperation;
(7) a plan to—
(A) the Committee on Foreign Relations and Appropriations of the House of Representatives; and
(B) the Committee on Foreign Affairs and the Committee on Armed Services of the Senate;
(2) an annual report to the appropriate committees of Congress that includes—
(A) a description of United States participation in and support for the Eastern Mediterranean Natural Gas Forum;
(B) an assessment of efforts to protect energy exploration infrastructure in the region, including United States companies;
(C) an assessment of the capacity of Cyprus to host an Energy Crisis Center in the region which could provide basing facilities in support search and rescue efforts in the event of an accident;
(D) an assessment of the timing of natural gas delivery in the region as well as assessment of the ultimate destination countries for natural gas delivered to the region.

SEC. 1300. REPORT ON RUSSIAN FEDERATION MALIGN INFLUENCE IN THE EASTERN MEDITERRANEAN.

(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 on malign influence of the Russian Federation in the Eastern Mediterranean.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:
(1) an assessment of security, political, and economic goals of the Russian Federation in the Eastern Mediterranean;

(c) REPORT REVIEW.—A report submitted under this section shall be transmittal by both the Secretary of State and the Secretary of Defense.
(4) An assessment of military engagement by the Government of the Russian Federation in the security sector, including engagement by military equipment and personnel contrivors.

(5) An assessment of efforts supported by the Government of the Russian Federation to influence elections in the three countries, through the use of cyber attacks, social media campaigns, or other malign influence techniques.

(6) An assessment of efforts by the Government of the Russian Federation to intimidate and influence the decision by His All Holiness Ecumenical Patriarch Bartholomew, 399,000,000 Orthodox Christians worldwide, to grant autocephaly to the Ukrainian Orthodox Church.

(7) FORMAL.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1299C. REPORT ON INTERFERENCE BY OTHER COUNTRIES IN THE EXCLUSIVE ECONOMIC ZONE OF CYPRUS AND AIRSPACE OF GREECE.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Energy, shall submit to the appropriate congressional committees a report listing incidents of interference in efforts by the Republic of Cyprus to explore and exploit natural resources in its Exclusive Economic Zone and violations of the airspace of the sovereign territory of Greece.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A listing of incidents since January 1, 2017, determined by the Secretary of State to interfere in efforts by the Republic of Cyprus to explore and exploit natural resources in its Exclusive Economic Zone.

(2) A listing of incidents since January 1, 2017, determined by the Secretary of State to be violations of the airspace of Greece by its neighbors.

(c) FORMAL.—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1299D. APPROPRIATE CONGRESSIONAL COMMITTEES.

In this subtitle, the term “appropriate congressional committees” means the Committee on Appropriations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 688. Mr. LEE (for himself, Mr. CRAPO, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GREATER SAGE-GROUSE PROTECTION AND RECOVERY.

(a) PURPOSES.—The purposes of this section are—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(b) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term “Federal resource management plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Federal Land Policy and Management Act of 1976 (16 U.S.C. 1592); or

(2) SAGE-GROUSE.—The term “greater sage-grouse” means a sage-grouse of the species Centrocercus urophasianus.  

(3) STATE MANAGEMENT PLAN.—The term “State management plan” means a State-applied management plan for recovery and protection of greater sage-grouse.

(4) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(A) DELAY REQUIRED.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through 2029, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation and operation of the State management plans for greater sage-grouse.

(B) REMOVAL OF ENDANGERED SPECIES STATUS FOR AMERICAN BURYING BEETLE.

Withholding the final rule of the United States Fish and Wildlife Service et al., Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the American Burying Beetle” (54 Fed. Reg. 29652 (July 13, 1989)), the American burying beetle may not be listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 689. Mr. LEE (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LAND CONVEYANCE, HILL AIR FORCE BASE, OGDEN, UTAH.

(a) CONVEYANCE REQUIRED.—The Secretary of Defense may convey, for no monetary consideration, to the State of Utah or a designee of the State of Utah (in this section referred to as the “State”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres located at Hill Air Force Base, commonly known as the “Defense Nontactical Generator and Rail Center” and such real property adjacent to the Center as the parties consider to be appropriate for the purpose of permitting the State to construct a new interchange for Interstate 15.

(b) CONDITION PRECEDENT.—The conveyance authorized by subparagraph (A) shall be contingent upon the relinquishment of the Defense Nontactical Generator and Rail Center.
SA 690. Ms. ERNST (for herself, Mr. PAUL, Mr. CRAMER, and Mr. BRAUN) submitted an amendment intended to
be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Depart-
mant of Defense for military construction, and for defense activities of the Department of Energy, to prescribe
military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table;
as follows:
At the end of subtitle H of title X, add the following:
SEC. 1086. ANNUAL REPORTS ON FEDERAL PROJEC-
TABLES THAT ARE OVER BUDGET AND UNDER
FULFILLMENT.
(a) DEFINITIONS.—In this section:
(1) The term "covered agency" means—
(A) an Executive agency, as defined in section
105 of title 5, United States Code; and
(B) an independent regulatory agency, as
defined in section 3502 of title 44, United States
Code.
(2) The term "project" includes any pro-
gram, project, or activity other than a pro-
gram, project, or activity funded by man-
datory spending.
(b) REQUIREMENT.—Not later than 1 year
after the date of enactment of this Act, and
every year thereafter, the Director of the Of-
cice of Management and Budget shall submit
to Congress on the website of the Office of
Management and Budget a report on each project funded by a covered agency—
(1) that is more than 5 years behind schedule;
or
(2) for which the amount spent on the project is not less than $1,000,000,000 more
than the original cost estimate for the project.
(c) CONTENTS.—Each report submitted and
posted under subsection (b) shall include, for
each project included in the report—
(1) a brief description of the project, in-
cluding—
(A) the purpose of the project;
(B) each location in which the project is
carried out;
(C) the year in which the project was initi-
ated;
(D) the Federal share of the total cost of
the project; and
(E) each primary contractor, subcontract-
or, grant recipient, and subgrantee re-
cipient of the project;
(2) an explanation of any change to the
original scope of the project, including by
the addition or narrowing of the initial re-
quirements of the project;
(3) the original expected date for comple-
tion of the project;
(4) the current expected date for comple-
tion of the project;
(5) the original cost estimate for the project, as adjusted to reflect increases in the
Consumer Price Index for All Urban
Consumers, as published by the Bureau of Labor
Statistics;
(6) the current cost estimate for the project, as adjusted to reflect increases in the
Consumer Price Index for All Urban
Consumers, as published by the Bureau of Labor
Statistics;
(7) an explanation for a delay in comple-
tion or increase in the original cost estimate
for the project; and
(8) the amount of and rationale for any award, incentive, or bonus.
(d) SUBMISSION WITH BUDGET.—Section
1086(a) of title 31, United States Code, is ame-
ded by adding at the end the following:
(4) the report required under section
1086(b) of the National Defense Authorization
Act for Fiscal Year 2020 for the calendar year ending in the fiscal year in which the budget is
submitted.''.
SA 691. Mr. INHOFE (for himself and Mr. REED) submitted an amendment inten-
tended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activi-
ties 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 IX, add the following:
SEC. 906. ALLOCATION OF FORMER RESPO-
NSIBILITIES OF THE UNDER SEC-
RATY OF DEFENSE FOR ACQUI-
SITION, TECHNOLOGY, AND LOGIS-
TICS.
(a) TITLE 10, UNITED STATES CODE.—Title
10, United States Code, is amended as fol-
lows:
(1) In section 129acc(3), by striking "The Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "The Under Secretary of Defense for Acquisition and Sustainment"; and
(2) In section 139c(d), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment"; and
(3) In section 189—
(A) in subsection (b)—
(i) in the matter preceding paragraph (1), by striking "and the Under Secretary of De-
fense for Acquisition, Technology, and Logis-
tics" and inserting "the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment"; and
(ii) in paragraph (2), by striking "and the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment";
(B) in subsection (c), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment"; and
(C) in subsection (b)(2), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment";
(4) In section 139ad(d)(6), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment";
(5) In section 171(a)—
(A) by striking paragraphs (3) and (8);
(B) by redesigning paragraphs (4), (5), (6),
(7), (9), (10), (11), (12), and (13) as paragraphs
(5), (6), (7), (8), (11), (12), (13), (14), and (15), re-
spectively;
(C) by inserting after paragraph (2) the fol-
lowing new paragraphs:
"(3) the Under Secretary of Defense for Re-
search and Engineering;"
"(4) the Under Secretary of Defense of Ac-
quision and Sustainment;"; and
"(5) the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment;";
(D) by inserting after paragraph (8), as redesignated by subparagraph (B), the following new paragraphs:

(9) the Deputy Under Secretary of Defense for Research and Engineering;

(10) the Under Secretary of Defense for Acquisition and Sustainment;''.

(6) In section 181(d)—

(A) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(B) by striking subparagraph (C); and

(C) by inserting after subparagraph (B) the following new subparagraphs:

"(C) The Under Secretary of Defense for Research and Engineering;"

"(D) The Under Secretary of Defense for Acquisition and Sustainment."

(7) In section 393(b)(2)—

(A) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(B) by striking subparagraph (B); and

(C) by adding after subparagraph (A) the following new subparagraphs:

"(B) The Under Secretary of Defense for Research and Engineering;"

"(C) The Under Secretary of Defense for Acquisition and Sustainment.

8(a) In section 1702—

(i) by striking the heading and inserting the following:

"§ 1702. Under Secretary of Defense for Acquisition and Sustainment: authorities and responsibilities; and

(ii) in the text, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

(B) the table of sections at the beginning of subchapter I of chapter 87 is amended by striking the item relating to section 1702 and inserting the following new item:

"1702. Under Secretary of Defense for Acquisition and Sustainment: authorities and responsibilities."

9. In section 1765, by striking "Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "Under Secretary of Defense for Acquisition and Sustainment.

10. In section 1762, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

11. In section 1722a, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

12. In section 1722(b), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

13. In section 1723, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

14. In section 1723(c)(2), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

15. In section 1735(c)(1), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

16. In section 1737(c), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

17. In section 1741(b), by striking "The Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "The Under Secretary of Defense for Acquisition and Sustainment.

18. In section 1746(a), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

19. In section 1748, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

20. In section 1722, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "Under Secretary of Defense for Acquisition and Sustainment.

21. In section 1727, by striking "the Assistant Secretary of Defense for Research and Engineering" and inserting "the Under Secretary of Defense for Research and Engineer-

22. In section 1727(a), by striking "The Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "Under Secretary of Defense for Acquisition and Sustainment.

23. In section 1727(d), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

24. In section 1727(b)—

(A) in subsection (a), by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(B) by striking paragraph (2); and

(C) by inserting after paragraph (1) the following new subparagraph:

"(2) The Under Secretary of Defense for Research and Engineering.

(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment.

25. In section 1704, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

26. In section 1705, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

(4) In section 1706—

(A) by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment;" and

(B) by striking and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

27. In section 1711(c), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

28. In section 1720a—

(A) by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" and inserting "the Under Secretary of Defense for Acquisition and Sustainment;" and

(B) by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

29. In section 1730, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

30. In section 1734, by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics" each place it appears and inserting "the Under Secretary of Defense for Acquisition and Sustainment.

31. In section 2358a(b)(2), by striking "the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research and Engineer-
(B) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(46) In section 2548, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(47) In section 2902(b):

(A) by striking paragraph (1) and inserting the following paragraph (1):

“1. The official within the Office of the Secretary of Defense for Research and Engineering who is responsible for science and technology.”

(B) by redesigning paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(C) by striking paragraph (3); and

(D) by inserting after paragraph (2) the following new paragraphs:

“(1) The official within the Office of the Secretary of Defense for Research and Engineering who is responsible for environmental security.”

(b) NATIONAL DEFENSE AUTHORIZATION ACTS.


(2) PUBLIC LAW 115–91.—Section 136(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1317) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(3) PUBLIC LAW 114–328.—The National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 132 Stat. 3230) is amended as follows:

(A) by redesigning paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(B) by inserting after paragraph (3), the following new paragraphs:

“(1) The official within the Office of the Secretary of Defense for Research and Engineering who is responsible for science and technology.”

(c) RECOMMENDATIONS FOR LEGISLATIVE ACTION.—Not later than 14 days after the President submits to Congress the budget for fiscal year 2021 pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees such recommendations for legislative action as the Under Secretary of Defense for Acquisition, Technology, and Logistics determines to be consistent with the recommendations of the report required by section 901 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2322).

Mr. TILLIS submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1290. NORTH ATLANTIC TREATY ORGANIZATION JOINT FORCES COMMAND.

(a) In General.—Subtitle II of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:


“(a) AUTHORIZATION.—The Secretary of Defense shall authorize the establishment of,
and the participation by members of the armed forces in, the North Atlantic Treaty Organization Joint Forces Command (in this section referred to as the ‘‘Joint Forces Command’’), to be established in the United States.

‘‘(b) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—The Secretary may use facilities and equipment of the Department of Defense to support the Joint Forces Command.

‘‘(c) AVAILABILITY OF FUNDS.—Amounts appropriated to the Department of Defense for fiscal year 2020 shall be available to carry out the purposes of this section.’’.

(b) CONFORMING AMENDMENT.—The table of sections of the Senate Amendments to section 16 of chapter 16 of title 10, United States Code, is amended by adding at the end the following new item: ‘‘314. North Atlantic Treaty Organization Joint Forces Command.’’.}

**SA 693.** Mr. ROMNEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the authority under section 179j to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

![Document Content](https://example.com/s3702.png)

**SA 694.** Mrs. CAPITO (for herself, Mr. CARPER, Mr. BARRASSO, Mr. SULLIVAN, Mrs. SHAILEEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. TOOMEY, and Mr. JONES) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

![Document Content](https://example.com/s3702.png)

### SEC. 2. PERMANENT AUTHORIZATION OF E-VERIFY

(a) SHORT TITLE.—This section may be cited as the ‘‘Permanent E-Verify Act’’.

(b) PERMANENT AUTHORIZATION OF E-VERIFY.—Section 432 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by amending the section heading to read as follows: ‘‘E-VERIFY PROGRAM’’; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ‘‘; TERMINATION’’; and

(B) striking such provision andingles Congress otherwise provides, the Secretary of Homeland Security shall terminate a pilot program on September 30, 2015.’’.

**SA 694.** Mrs. CAPITO (for herself, Mr. CARPER, Mr. BARRASSO, Mr. SULLIVAN, Mrs. SHAILEEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. TOOMEY, and Mr. JONES) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

![Document Content](https://example.com/s3702.png)
(C) perfluoro(2-pentafluoroethoxyethoxyacetic) acid ammonium salt (Chemical Abstracts Service No. 90020-52-0);

(D) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro-2-trifluoromethoxy) propoxyanilide fluorine (Chemical Abstracts Service No. 2479-75-6);

(E) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro-2-trifluoromethoxy) propoxyanilide acid (Chemical Abstracts Service No. 2479-73-4);

(F) 3H-perfluoro-5-(2-methoxy-propoxy) perfluorooctanoic acid (Chemical Abstracts Service No. 91905-14-4);

(G) the salts associated with the chemical described in subparagraph (F) (Chemical Abstracts Service Nos. 95944-54-8, 106721-36-2, and NOCAS 892452);

(H) 1-octanesulfonic acid 3,3,4,4,5,5,6,7,7,8-tridecafluoropotentassium salt (Chemical Abstracts Service No. 95907-38-1);

(I) perfluorobutanesulfonic acid (Chemical Abstracts Service No. 375-78-0);

(J) 1-Butanesulfonic acid, 1,1,2,3,3,4,4-nonanofluoro-potassium salt (Chemical Abstracts Service No. 29429-48-3);

(K) associated with the chemical described in subparagraph (J) (Chemical Abstracts Service No. 45187-15-3);

(L) heptanesulfonic acid (Chemical Abstracts Service No. 29429-22-4);

(M) perfluorohexanoic acid (Chemical Abstracts Service No. 307-24-4);

(N) each perfluoralkyl or polyfluoralkyl substance or class of perfluoralkyl or polyfluoralkyl substances for which a method to measure levels in drinking water has been validated by the Administrator; and

(O) a perfluoralkyl and polyfluoralkyl substance or class of perfluoralkyl or polyfluoralkyl substances other than the chemicals described in subparagraphs (A) through (N) that is used to manufacture fluoropolymers, as determined by the Administrator.

3. ADDITION TO TOXICS RELEASE INVENTORY.—Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)), the Administrator shall add the chemicals described in that national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for:

(1) perfluorooctanoic acid (commonly referred to as 'PFOA'); and

(2) perfluorooctanesulfonic acid (commonly referred to as 'PFOS').

4. ALTERNATIVE PROCEDURES.—(1) IN GENERAL.—Not later than 1 year after the date on which the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1), the Administrator shall take final action on the proposed national primary drinking water regulation.

5. LEVELS DESCRIBED.—The levels referred to in subsection (I) are—

(a) the total levels of perfluoroalkyl or polyfluoroalkyl substance;

(b) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

(c) the total levels of organic fluorine.

6. INCLUSIONS.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the monitoring program described in paragraph (1) if the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1), the Administrator may extend the deadline under subclause (I), the Administrator shall make a determination under paragraph (1), and the Administrator may add the procedure or method as described in that national primary drinking water regulation by publishing the procedure or method in the Federal Register.

7. PRIMARY DRINKING WATER REGULATIONS.—

(a) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under clause (I), the Administrator shall promulgate a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(b) EXTENSION.—The Administrator, on petition from any person, may extend the deadline under subclause (I) by not more than 6 months.

(c) LIFETIME DRINKING WATER HEALTH ADVISORY.—

(i) IN GENERAL.—Subject to subparagraph (II), the Administrator shall publish a health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not later than 1 year after the later of the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.
testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substance, if such a procedure did not exist on the date on which the toxicity value described in item (aa) was finalized.

(II) WAIVER.—The Administrator may waive the requirements of subclause (I) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances if the Administrator determines that there is a substantial likelihood that the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water.

SEC. 1722. MONITORING AND DETECTION.

(a) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS—

(1) IN GENERAL.—The Administrator shall include each substance described in paragraph (2) in the fifth publication of the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)).

(2) SUBSTANCES DESCRIBED.—The substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances—

(A) for which a method to measure the level in drinking water has been validated by the Administrator; and

(B) that are not subject to a national primary drinking water regulation under clause (i) or (vi)(II) of subparagraph (D) of section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)).

(3) EXCEPTION.—The perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances included in the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)) under paragraph (1) shall not count towards the limit of 30 unregulated contaminants to be monitored by public water systems under that section.

(b) APPLICABILITY—

(1) IN GENERAL.—The Administrator shall—

(A) require public water systems serving fewer than 3,300 persons and not more than 10,000 persons to monitor for the substances described in subsection (a)(2);

(B) subject to paragraph (2) and the availability of appropriations, require laboratory water systems serving not fewer than 3,300 and not more than 10,000 persons to monitor for the substances described in subsection (a)(2); and

(C) subject to paragraph (2) and the availability of appropriations, ensure that only a representative sample of public water systems, requiring laboratory capacity to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1), the Administrator may waive the monitoring requirements in those subparagraphs.

(2) REQUIREMENT.—If the Administrator determines that the laboratory capacity to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1) is not sufficient to ensure that only a representative sample of public water systems, requiring laboratory capacity to carry out the monitoring required under paragraph (1) from—

(A) funds made available under subsection (a)(2) of section 1445 of the Safe Drinking Water Act (42 U.S.C. 300j–4); or

(B) any other funds made available for that purpose.

SEC. 1723. ENFORCEMENT.

Notwithstanding any other provision of law, the Administrator may not impose fi-
(1) the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate; (2) the Committee on Energy and Commerce of the House of Representatives; (3) the Senators of each State in which the Director carried out the sampling; and (4) each Member of the House of Representatives in a district in which the Director carried out the sampling.

SEC. 1734. DATA USAGE.

(a) In General.—The Director shall provide the sampling data collected under section 1733 to—

(1) the Administrator; and

(b) other Federal and State regulatory agencies on request.

(3) METHODS FOR THE DETECTION OF CONTAMINANTS .—The Director shall establish a strategic plan for improving the Federal effort referred to in paragraph (1).

(a) In General.—The Administrator shall—

(1) review Federal efforts—

(A) to identify, monitor, and assist in the development of treatment methods for emerging contaminants; and

(B) to assess the risks posed by contaminants of emerging concern;

and (2) in collaboration with owners and operators of public water systems, States, and other interested stakeholders, establish a strategic plan for improving the Federal effort referred to in paragraph (1).

(b) INTERAGENCY WORKING GROUP ON EMERGING CONTAMINANTS .

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator and the Secretary of Health and Human Services shall jointly establish a Working Group to coordinate the activities of the Federal Government to identify and analyze the public health effects of drinking water contaminants of emerging concern.

(2) MEMBERSHIP.—The Working Group shall include representatives of the following:

(A) The Environmental Protection Agency, appointed by the Administrator.

(B) The following agencies, appointed by the Secretary of Health and Human Services:

(i) The National Institutes of Health.

(ii) The Centers for Disease Control and Prevention.

(iii) The Agency for Toxic Substances and Disease Registry.

(C) The United States Geological Survey, appointed by the Secretary of the Interior.

(D) Any other Federal agency the assistance of which the Administrator determines to be necessary to carry out this subsection, appointed by the head of the respective agency.

(3) EXISTING WORKING GROUP.—The Administrator may expand or modify the duties of an existing working group to perform the duties of the Working Group under this subsection.

(c) NATIONAL EMERGING CONTAMINANT RESEARCH INITIATIVE .

(1) FEDERAL RESEARCH STRATEGY .—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy in response to the report of the Committee on Appropriations of the Senate accompanying S. 1602 of the 115th Congress (S. Rept. 115-128).

(2) SELECTION OF RESEARCH PROPOSALS.—In carrying out subparagraph (A), the head of each agency described in paragraph (1)(C) shall—

(i) issue a solicitation for research proposals consistent with the Federal research strategy; and

(ii) make grants to applicants that submit research proposals selected for funding as the National Emerging Contaminant Research Initiative in accordance with subparagraph (B).

(B) SELECTION OF RESEARCH PROPOSALS.—The National Emerging Contaminant Research Initiative shall select research proposals to receive grants under this paragraph on the basis of merit, using criteria identified by the Director, including the likelihood that the proposed research will result in significant progress toward achieving the objectives identified in the Federal research strategy.

(C) ELIGIBLE ENTITIES.—Any entity or group of 2 or more entities may submit to the head of each agency described in paragraph (1)(C) a research proposal in response to the solicitation for research proposals described in subparagraph (A)(i), including—

(i) State and local agencies;

(ii) public institutions including public institutions of higher education;

(iii) private corporations; and

(iv) nonprofit organizations.

(D) FEDERAL TECHNICAL ASSISTANCE AND SUPPORT FOR STATES.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study on the capacity of the Administrator to improve technical assistance and support for States with respect to emerging contaminants in drinking water samples.

(2) CONTENTS OF STUDY.—In carrying out the study described in subparagraph (A), the Administrator shall identify—

(i) methods and effective treatment options to increase technical assistance and support with respect to emerging contaminants to States, including identifying opportunities for States to improve communications with various audiences about the risks associated with emerging contaminants; and

(ii) means to facilitate access to qualified contract testing laboratory facilities that conduct analyses for emerging contaminants.

(E) RESEARCH ON EMERGING CONTAMINANTS.—In carrying out subparagraph (A), the Administrator shall—

(i) take into consideration consensus conclusions from peer-reviewed, pertinent research on emerging contaminants; and

(ii) in consultation with various audiences about the risks associated with emerging contaminants, determine priority emerging contaminants for research emphasis.
(C) Availability of analytical resources.—In carrying out the study described in subparagraph (A), the Administrator shall consider—
(i) the availability of—
(I) Federal and non-Federal laboratory capacity; and
(II) validated methods to detect and analyze contaminants; and
(ii) other factors determined to be appropriate by the Administrator.
(2) Report.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study described in paragraph (1).
(3) Program to provide federal assistance to States.—
(A) In general.—Not later than 3 years after the date of enactment of this Act, based on the findings in the report described in paragraph (2), the Administrator shall develop a program to provide technical assistance and support to eligible States for the testing and analysis of emerging contaminants.
(B) Application.—
(i) general.—To be eligible for technical assistance and support under this paragraph, a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.
(ii) criteria.—The Administrator shall evaluate an application for technical assistance and support under this paragraph on the basis of merit using criteria identified by the Administrator, including—
(I) the laboratory facilities available to the State;
(II) the availability and applicability of existing analytical methodologies;
(III) the severity and scope of the emerging contaminant, if known; and
(IV) the prevalence and magnitude of the emerging contaminant.
(C) Prioritization.—In selecting States to receive technical assistance and support under this paragraph, the Administrator—
(i) shall give priority to States with affected areas primarily in financially distressed communities;
(ii) may—
(aa) waive the application process in an emergency situation; and
(bb) require an abbreviated application process for the continuation of work specified in a previously approved application that continues to meet the criteria described in clause (i); and
(iii) shall consider the relative expertise and availability of—
(aa) Federal and non-Federal laboratory capacity available to the State;
(bb) analytical resources available to the State; and
(cc) other types of technical assistance available to the State.
(C) Database of available resources.—The Administrator shall establish and maintain a database of resources available through the program developed under subparagraph (A) to assist States with testing for emerging contaminants that—
(I) is—
(aa) available to States and stakeholder groups determined by the Administrator to have scientific or material interest in emerging contaminants, including—
(1) drinking water and wastewater utilities;
(2) laboratories;
(cc) Federal and State emergency responders;
(dd) State primary agencies;
(ee) public health and emergency response agencies; and
(ff) water associations; and
(III) accessible through the website of the Administrator; and
(ii) includes a description of—
(I) qualified contract testing laboratory facilities that test for emerging contaminants; and
(II) the resources available in Federal laboratory facilities to test for emerging contaminants.
(D) Water contaminant information tool.—The Administrator shall integrate the database established under subparagraph (C) into the Water Contaminant Information Tool of the Environmental Protection Agency.
(4) Funding.—Of amounts made available to the Administrator under this Act, the Administrator may not use more than $15,000,000 in a fiscal year to carry out this subsection.
(e) Report.—Not less frequently than once every 2 years until 2029, the Administrator shall submit to Congress a report that describes the progress made in carrying out this subtitle.
(f) Effect.—Nothing in this section modifies any obligation of a State, local government, or Indian Tribe with respect to treatment, testing, or monitoring of drinking water.

Subtitle E—Miscellaneous

SEC. 1751. PFAS DATA CALL.
Section 1023(b)(5) of title 10, Uniform Code of Military Justice, is amended by inserting after the term ‘‘military base’’ the term ‘‘northern界enly’’.

SEC. 1752. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN PFAS.
Not later than June 22, 2020, the Administrator shall take final action on the significant new use rule proposed by the Administrator under the Toxic Substances Control Act (15 U.S.C. 2607(a)) as amended by adding at the end the following:

‘‘(7) PFAS DATA.—Not later than January 1, 2018, the Administrator shall publish, in the Federal Register, a new rule in accordance with this subsection requiring each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance in any year since January 1, 2006, to submit to the Administrator a report that includes, for each year since January 1, 2006, the information described in paragraph (a).

SEC. 1753. PFAS DESTRUCTION AND DISPOSAL.
(a) In general.—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish interim guidance on the destruction and disposal of perfluoroalkyl and polyfluoroalkyl substances or classes of substances; and
(b) Considerations; inclusions.—The interim guidance under subsection (a) shall—
(1) take into account—
(I) the potential for release of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including new use, utilization, air dispersion, or leachate; and
(II) potentially vulnerable populations living near likely destruction or disposal sites; and
(2) provide guidance on testing and monitoring air, effluent, and soil near potential destruction or disposal sites for releases described in paragraph (1).

Subsection (a) is the Chairman’s amendment.

SEC. 1754. PFAS RESEARCH AND DEVELOPMENT.
(a) In general.—The Administrator, acting through the Assistant Administrator for the Office of Research and Development, shall—
(A) establish a committee to be known as the ‘‘Scientific Advisory Committee on Perfluoroalkyl and Polyfluoroalkyl Substances’’ to advise the Administrator on research and development related to the effects of perfluoroalkyl and polyfluoroalkyl substances on human health and the environment; and
(B) establish and maintain a database of research and development related to the effects of perfluoroalkyl and polyfluoroalkyl substances on human health and the environment, including through the Assistant Administrator for the Office of Research and Development.

SEC. 1755. PFAS DATA COLLECTION.
(a) In general.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research or regulatory efforts that is based on—
(A) the potential for human exposure to the substances or classes of substances;
(B) the potential toxicity of the substances or classes of substances; and
(C) information available about the substances or classes of substances.

SA 695. Mr. WARREN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title C of title II, add the following:

SEC. 1. NATIONAL SECURITY COMMISSION ON DEFENSE RESEARCH AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY INSTITUTIONS.

(a) Establishment.—
(1) In general.—There is established in the executive branch an independent Commission to review the state of defense research and related institutions (including Historically Black Colleges and Universities and other Minority Institutions) and to make recommendations to the President and to Congress as to the advisability of—
(A) establishing a new commission to review the state of defense research at Historically Black Colleges and Universities; and
(B) increasing or decreasing the amount of funding for defense research at Historically Black Colleges and Universities.
(2) Purpose.—The purpose of the Commission is to review the state of defense research at Historically Black Colleges and Universities and other Minority Institutions and to make recommendations to the President and to Congress as to the advisability of—
(A) establishing a new commission to review the state of defense research at Historically Black Colleges and Universities; and
(B) increasing or decreasing the amount of funding for defense research at Historically Black Colleges and Universities.

(b) Membership.—
(1) In general.—The Commission shall be composed of 11 members appointed as follows:
(A) The Secretary of Defense shall appoint 2 members.
(ii) The Secretary of Education shall appoint 1 member.

(iii) The Chairman of the Committee on Armed Services of the Senate shall appoint 1 member.

(iv) The Ranking Member of the Committee on Armed Services of the Senate shall appoint 1 member.

(v) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(vi) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(vii) The Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate shall appoint 1 member.

(viii) The Ranking Member of the Committee on Health, Education, Labor, and Pensions of the Senate shall appoint 1 member.

(ix) The Chairman of the Committee on Education and Labor of the House of Representatives shall appoint 1 member.

(x) The Ranking Member of the Committee on Education and Labor of the House of Representatives shall appoint 1 member.

(B) DEATHLINE FOR APPOINTMENT.—Members shall be appointed on the Commission under subparagraph (A) not later than 90 days after the date on which the Commission is established.

(C) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If any one or more appointments under subparagraph (A) is not made by the appointment date specified in subparagraph (B), or if a position described in subparagraph (A) is vacant for more than 90 days, the authority to make such appointment shall transfer to the Chair of the Commission.

(D) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(E) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(F) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2106 of Title 5, United States Code, including the required supervision under subsection (a) of such section, the members of the Commission shall be deemed to be Federal employees.

(6) TERMS.—

(1) IN GENERAL.—The Commission shall carry out the review described in paragraph (2). In carrying out such review, the Commission shall consider the methods and means necessary to advance research capacity at covered institutions to comprehensively address the national security and defense needs of the United States.

(2) SCOPE OF THE REVIEW.—In conducting the review under paragraph (1), the Commission shall consider the following:

(A) The comprehensiveness of covered institutions in developing, pursuing, capturing, and executing defense research with the Department of Defense through contracts and grants.

(B) Means and methods for advancing the capacity of covered institutions to conduct research related to national security and defense.

(C) The advancements and investments necessary to elevate 25 covered institutions to R2 status on the Carnegie Classification of Institutions of Higher Education, 15 covered institutions to R1 status on the Carnegie Classification of Institutions of Higher Education, and one covered institution or a consortium of covered institutions to the capability of a University Affiliated Research Center.

(D) The facilities and infrastructure for defense-related research at covered institutions as compared to the facilities and infrastructure at universities classified as R1 status on the Carnegie Classification of Institutions of Higher Education.

(E) Incentives to attract, retain, and reward leading research faculty to covered institutions.

(F) The legal and organizational structure of the contracting entity of covered institutions as compared to the legal and organizational structure of the contracting entities of non-covered institutions at universities classified as R1 status on the Carnegie Classification of Institutions of Higher Education.

(G) The ability of covered institutions to develop, protect, and commercialize intellectual property created through defense-related research.

(H) The amount of defense research funding awarded to all colleges and universities through contracts and grants for the fiscal years of 2010 through 2019, including:

(i) the legal mechanism under which the organization was formed;

(ii) the total value of contracts and grants awarded to the organization during fiscal years 2018 and 2019;

(iii) the overhead rate of the organization for fiscal year 2019;

(iv) the Carnegie Classification of Institutions of Higher Education of the associated university or college;

(v) if the associated university or college qualifies as a historically Black college or university, a minority institution, or a minority institution.

(I) Areas for improvement in the programs executed under section 2962 of title 10, United States Code, the existing authorization to enhance defense-related research and education at covered institutions.

(J) Previous executive or legislative actions by the Government to address the imbalance in federal research funding, such as the Established Program to Stimulate Competitive Research (commonly known as "EPSCoR").

(K) Any other matters the Commission deems relevant to the advancing the defense research capacity of covered institutions.

(2)INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress a comprehensive report on the findings of the Commission and such recommendations that the Commission may have for action by the executive branch and the Department of Defense and institutions participating in Department of Defense research and actions necessary to expand their research capacity.

(3) FINAL REPORT.—Prior to the date on which the commission terminates under subsection (e), the Commission shall submit to the President and Congress a comprehensive report on the findings of the review required under subsection (b).

(3) FORM OF REPORTS.—Reports submitted under this subsection shall be made publicly available.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry this section $5,000,000 for each of fiscal years 2020 and 2021. Funds made available to the University Affiliated Research Center for the purposes of section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)); or any other institution of higher education (as that term is defined in section 101 of such Act (20 U.S.C. 1001)) at which not less than 50 percent of the total student enrollment consists of students from ethnic groups that are underrepresented in the fields of science and engineering.

SEC. 7.—CONSIDERATION OF SUBCONTRACTING TO MINORITY INSTITUTIONS.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following: "2410t. Consideration of subcontracting to minority institutions.

"(a) CONSIDERATION OF SUBCONTRACTING TO MINORITY INSTITUTIONS.—The Secretary of Defense shall require the Department of Defense to require the Department of Defense Supplement to the Federal Acquisition Regulation to require that the system used by the Federal Government to monitor or record contractor past performance for a grant or contract awarded to an institution of higher education includes incentives for the award of a sub-grant or subcontract to minority institutions.

"(b) MINORITY INSTITUTION DEFINED.—In this section, the term ‘minority institution’ means—

"(1) a part B institution (as that term is defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))); or

"(2) any other institution of higher education (as that term is defined in section 101 of such Act (20 U.S.C. 1001)) at which not less than 50 percent of the total student enrollment consists of students from ethnic groups that are underrepresented in the fields of science and engineering.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410t. Consideration of subcontracting to minority institutions.

SA 696. Ms. WARREN (for herself, Mr. MARKEY, Ms. CANTWELL, Mrs. ARIZONA) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 866. REQUIREMENTS FOR COMMERCIAL E-PORTAL.

Section 866(d) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 41 U.S.C. 1901 note) is amended by adding at the end the following: "In any contract awarded to a commercial portal provider, pursuant to the Federal Acquisition Regulation or the Department of Defense Supplement to the Federal Acquisition Regulation, the Secretary of Defense shall require the contractor to—[insert content as specified]."
GILLIBRAND, Mr. VAN HOLLEN, and Mr. MERKLEY] submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XVI, insert the following:

SEC. 16. PROHIBITION ON DEPLOYMENT OF LOW-YIELD SUBMARINE-LAUNCHED BALLISTIC MISSILE.

Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be obligated or expended to arm Trident II D5 submarines launched from Ohio class ballistic missile submarines with the W76-2 low-yield warhead.

SA 698. Mr. BROWN (for himself, Mrs. MURRAY, Mr. CUCCHI, Mr. MANCHIN, Ms. BALDWIN, Mrs. GILLIBRAND, Mr. TESTER, Mr. MURPHY, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. 700. MR. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1086. INCREASE OF MAXIMUM AGE FOR CHILDREN ELIGIBLE FOR MEDICAL CARE.

SEC. 2. REPORT ON USE OF ENCRYPTION BY DEFENSE NATIONAL SECURITY SYSTEMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth aggregate statistics on the number of national security systems (as defined in section 1103 of title 40, United States Code) operated by the Department of Defense that do not encrypt at rest all data stored on such systems.

SA 701. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 9. CONGRESSIONAL COMMISSION ON PREVENTING, COUNTERING, AND RESPONDING TO NUCLEAR AND RADIOLOGICAL TERRORISM.

(a) Establishment.—There is hereby established a commission, to be known as the “Congressional Commission on Preventing, Countering, and Responding to Nuclear and Radiological Terrorism” (referred to in this Act as the “Commission”), which shall develop a comprehensive strategy to prevent, counter, and respond to nuclear and radiological terrorism; and

(b) Composition.—

(1) Membership.—The Commission shall be composed of 12 members, of whom—

(A) 1 shall be appointed by the majority leader of the Senate;

(B) 1 shall be appointed by the minority leader of the Senate;

(C) 1 shall be appointed by the Speaker of the House of Representatives;

(D) 1 shall be appointed by the minority leader of the House of Representatives;

(E) 1 shall be appointed by the chairman of the Committee on Armed Services of the Senate;

(F) 1 shall be appointed by the ranking minority member of the Committee on Armed Services of the Senate;

(G) 1 shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives;

(H) 1 shall be appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives;

(I) 1 shall be appointed by the chairman of the Committee on Homeland Security and Governmental Affairs of the Senate;

(J) 1 shall be appointed by the ranking minority member of the Committee on Homeland Security and Governmental Affairs of the Senate;

(K) 1 shall be appointed by the chairman of the Committee on Homeland Security of the House of Representatives; and

(L) 1 shall be appointed by the ranking minority member of the Committee on Homeland Security of the House of Representatives.

(2) Chairman; Vice Chairman.—

(A) Chairman.—The chair of the Committee on Homeland Security and Governmental Affairs of the Senate and the chair of the Committee on Homeland Security of the House of Representatives shall jointly designate 1 member of the Commission to serve as Chair of the Commission.

(B) Vice Chairman.—The ranking member of the Committee on Armed Services of the Senate and the ranking member of the Committee on Armed Services of the House of Representatives shall jointly designate 1 member of the Commission to serve as Vice Chair of the Commission.

(3) Period of Appointment; Vacancies.—

Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) Duties.—

(1) Review.—After conducting a review of the United States' current strategy, outlined in the National Strategy for Countering Weapons of Mass Destruction Terrorism, to prevent, counter, and respond to nuclear and radiological terrorism, the Commission shall develop a comprehensive strategy that—

(A) identifies national and international nuclear and radiological terrorism risks and critical emerging threats;

(B) prevents state and nonstate actors from acquiring the technologies, materials, and critical expertise needed to mount nuclear or radiological attacks;

(C) counters efforts by state and nonstate actors to mount such attacks;

(D) responds to nuclear and radiological terrorism incidents to attribute their origin and help manage their consequences;

(E) provides the projected resources to implement and sustain the strategy; and

(F) delineates indicators for assessing progress toward implementing the strategy;

(g) makes recommendations for improvements to the National Strategy for Countering Weapons of Mass Destruction Terrorism;

(h) determines whether a Nuclear Nonproliferation Council is needed to oversee and coordinate nuclear nonproliferation, nuclear counterproliferation, nuclear security, and nuclear arms control activities and programs of the United States Government; and

(i) if the Commission determines that such council is needed, provides recommendations regarding—

(1) appropriate council membership;

(2) frequency of meetings;

(iii) responsibilities of the council;

(iv) coordination within the United States Government; and

(v) congressional reporting requirements.

(2) Assessment and Recommendations.—

(A) Assessment.—The Commission shall assess the benefits associated with the current United States strategy in relation to nuclear terrorism.
SEC. 3116. MODIFICATION TO CERTAIN REQUIREMENTS RELATING TO PLUTONIUM PIT PRODUCTION CAPACITY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) rebuilding a robust plutonium pit production infrastructure with a capacity of up to 80 pits per year is critical to maintaining the viability of the nuclear stockpile;

(2) that effort will require cooperation from experts across the nuclear security enterprise;

(3) any further delay to achieving a plutonium sustainment capability to support the planned stockpile life extension programs will result in a critical capability gap to our deterrent posture.

(b) MODIFICATION TO REQUIREMENTS.—Section 4219 of the Atomic Energy Defense Act (50 U.S.C. 238a) is amended—

(1) in subsection (a), by striking paragraph (5); and

(2) by redesignating subsections (c) and (d) as subsections (c) and (d), respectively.

SEC. 3131. MODIFICATION TO CERTAIN REQUIREMENTS RELATING TO PLUTONIUM.

(a) IN GENERAL.—Section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)) is amended—

(1) in paragraph (1), by striking the first sentence and redesigning subsections (b) and (c), respectively, as subsections (b) and (c); and

(2) by redesignating subsections (c) and (d) as subsections (c) and (d), respectively.

(b) MODIFICATION TO REQUIREMENTS.—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

(1) determine whether revision of the threshold under paragraph (a) is warranted; and

(2) if the Administrator concludes that a revision is warranted under clause (1), initiate a revision under section 319(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)).

(c) IMPLEMENTATION.—Before making a determination under paragraph (1), the Administrator shall—

(1) determine whether the thresholds described in section 313(c)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)(1)) are appropriate.

(2) if the Administrator determines that the thresholds are appropriate, submit to Congress a report that contains the findings and recommendations of the Administrator.

(3) if the Administrator determines that the thresholds are not appropriate, submit to Congress a report that contains the findings and recommendations of the Administrator.

(d) EFFECTIVE DATE.—The amendment made by this section applies to the thresholds described in section 313(c)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)).
order issued under subsection (e) of that section.

(D) ADDITION AS ACTIVE CHEMICAL SUBSTANCE.—The date on which the perfuoroalkyl or polyfluoroalkyl substance or class of perfuoroalkyl or polyfluoroalkyl substances that is on a list of substances covered by a significant new use rule under subsection (c) of section 5 of the Toxic Substances Control Act (15 U.S.C. 2604), except a significant new use rule promulgated in connection with an order issued under subsection (e) of that section, is—

(i) added to the inventory under subsection (b)(1) of section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) and designated as an active chemical substance under subsection (b)(5)(A) of that section; or

(ii) designated as an active chemical substance on the inventory in accordance with subsection (b)(5)(B) of that section.

(2) THRESHOLD FOR REPORTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the threshold for reporting under section 313(f)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11232(f)(1)) the substances and classes of substances included in the toxics release inventory pursuant to paragraph (1) is 100 pounds.

(B) REVISIONS.—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

(i) determine whether revision of the thresholds under subparagraph (A) is warranted; and

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11232(f)(2));

(d) INCLUSIONS AND EXCLUSIONS.—

(1) IN GENERAL.—To the extent not already subject to subsection (b), not later than 2 years after the date of enactment of this Act, the Administrator shall determine whether the substances and classes of substances described in paragraph (2) meet the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11232(d)(2) for inclusion in the toxics release inventory.

(2) SUBSTANCES DESCRIBED.—The substances and classes of substances referred to in paragraph (1) are perfuoroalkyl and polyfluoroalkyl substances and classes of perfuoroalkyl and polyfluoroalkyl substances.

(A) hexafluoropropylene oxide dimer acid (Chemical Abstracts Service No. 33252-13-6); the compounds associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 62937-80-3 and 2062-98-8); and

perfluoro(2-pentafluoroethoxyethoxy)acetic acid ammonium salt (Chemical Abstracts Service No. 900620-2-0);

(3) heptafluoropropanoic acid (Chemical Abstracts Service No. 7637-84-0);

(D) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propyanoic fluoroter (Chemical Abstracts Service No. 2479-75-6); and

(E) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propionic acid fluoroter (Chemical Abstracts Service No. 91900-4-1);

(F) 3H-perfluoro-3-(3-methoxy-propoxy) propionic acid (Chemical Abstracts Service No. 91900-4-1);

(G) the salts associated with the chemical described in subparagraph (F) (Chemical Abstracts Service Nos. 95045-44-8, 106721-16-2, and NOCAS 822402);

(H) 1-octanesulfonic acid 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoropotentassium salt (Chemical Abstracts Service No. 98587-38-1); and

(I) perfluorobutanesulfonic acid (Chemical Abstracts Service No. 375-73-5);

(J) 1-Butanesulfonic acid, 1,1,2,2,3,3,4,4-nonafluoropotentassium salt (Chemical Abstracts Service No. 29429-49-3);

(K) the component associated with the chemical described in subparagraph (J) (Chemical Abstracts Service No. 45287-15-3);

(L) heptafluorobutyric acid (Chemical Abstracts Service No. 375-22-4); and

(M) perfluorooctane sulfonic acid (Chemical Abstracts Service No. 3907-24-4).

(N) each perfuoroalkyl or polyfluoroalkyl substance or class of perfuoroalkyl or polyfluoroalkyl substances for which a method is developed to measure levels in drinking water has been validated by the Administrator; and

(O) a perfluorooctyl and polyfluoroalkyl substance, or polyfluoroalkyl substances other than the chemicals described in subparagraphs (A) through (N) that is used to manufacture fluoropolymers, as determined by the Administrator.

(3) ADDITION TO TOXICS RELEASE INVENTORY.—Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets the criteria described in paragraph (2) (meets the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11232(d)(2))), the Administrator shall revise the toxics release inventory to include that substance or class of substances under paragraph (1)(B) on the date on which the Administrator makes the determination.

(C) CONFIDENTIAL BUSINESS INFORMATION.—

(1) IN GENERAL.—Prior to including on the toxics release inventory pursuant to subsection (b)(1), (c)(1), or (d)(3) any perfuoroalkyl or polyfluoroalkyl substance that is a class of polyfluoroalkyl or polyfluoroalkyl substances the chemical identity of which is subject to a claim of protection from disclosure under subsection (a) of section 552 of title 5, United States Code, pursuant to subsection (b)(5)(A) of that section, the Administrator shall—

(A) review that claim of protection from disclosure; and

(B) require that person to reassert and substantiate or resubstantiate that claim in accordance with section 14(f) of the Toxic Substances Control Act (15 U.S.C. 2613(f)).

(2) NONDISCLOSURE OF PROTECTION INFORMATION.—If the Administrator determines that the chemical description of the perfuoroalkyl or polyfluoroalkyl substance or class of perfuoroalkyl or polyfluoroalkyl substances qualifies for protection from disclosure under paragraph (1), the Administrator shall include the substance or class of substances, as applicable, on the toxics release inventory in a manner that does not disclose the protected information.

(1) EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986.—Section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11232(c)) is amended—

(i) by striking the period at the end and inserting "; and"

(ii) by striking "are those chemicals" and inserting the following: "are—"

(1) the chemicals; and

(2) by striking "(ii) the list of contaminants to be monitored under section 1445(a)(2)(B)(i)" and inserting "(ii) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i)"; and

(3) by adding at the end the following:

(2) the chemicals included under sections (b)(1), (c)(1), and (d)(3) of section 1711 of the National Defense Authorization Act for Fiscal Year 2020.

Subtitle B—Drinking Water

SEC. 1721. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

Section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(2)) is amended by adding at the end the following:

(D) PERFLUOROALKYLFALDON CONTAINING POLYFLUOROALKYL SUBSTANCES.—

"(I) IN GENERAL.—Not later than 2 years after the date of enactment of this subpart, the Administrator shall promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

(1) perfluorooctanoic acid (commonly referred to as 'PFOA') and

(2) perfluorooctane sulfonic acid (commonly referred to as 'PFOS').

(II) ALTERNATIVE PROCEDURES.—

(I) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish alternative procedures for the administration of the national primary drinking water regulation to measure the levels described in subclause (II) or other methods to detect and measure perfluoroalkyl and polyfluoroalkyl substances in drinking water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in that national primary drinking water regulation by publishing the procedure or method in the Federal Register.

(II) LEVELS DESCRIBED.—The levels referred to in subclause (I) are—

(aa) the level of a perfluoroalkyl or polyfluoroalkyl substance in the total number of perfluoroalkyl or polyfluoroalkyl substances; and

(bb) the total levels of organic fluorine.

(III) INCLUSIONS.—The Administrator may include in a national primary drinking water regulation for perfluoroalkyl or polyfluoroalkyl substances on—

(I) the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

(II) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i).

(IV) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under clause (i) or clause (ii)(II), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1413(b)(2)(D)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances to the national primary drinking water regulation.

(V) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information provided to the Adminis-trator with respect to 1 or more specific perfluoroalkyl or polyfluoroalkyl substances to extraplate reasoned conclusions regarding the health risks and effects of the specific perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

(VI) REGULATION OF ADDITIONAL SUBSTANCES.—

(I) DETERMINATION.—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under clause (i) not later than 18 months after the date on which the Administrator promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

(bb) the date on which—
“(aa) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; or

“(bb) the Administrator has received finished water data or finished water monitoring results for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances from a Federal or State agency that the Administrator determines to be sufficient to make a determination under paragraph (1)(A).

(II) PRIMARY DRINKING WATER REGULATIONS.—

“(aa) In general.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under subclause (I), the Administrator—

“(AA) not later than 18 months after the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(BB) may publish the proposed national primary drinking water regulation described in subitem (aa) concurrently with the publication of notice of the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(bb) Deadline.—

“(AA) In general.—Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under item (aa)(a) and subject to subitem (BB), the Administrator shall take final action on the proposed national primary drinking water regulation.

“(BB) Notwithstanding any other provision of law, the Administrator may not impose a performance standard under subsection (a), the Safe Drinking Water Act (42 U.S.C. 300j–4); or

“(cc) POLYFLUOROALKYL SUBSTANCE.—The term "partially fluorinated carbon atom" means a carbon atom on which no hydrogen atom is attached to any fluorinated carbon atoms, and not more than 1 full fluorinated carbon atom.

“(dd) POLYFLUOROALKYL SUBSTANCE.—The term "fully fluorinated carbon atom" means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

“(ee) POLYFLUOROALKYL SUBSTANCE.—The term "nonfluorinated carbon atom" means a carbon atom on which no hydrogen substituents have been replaced by fluorine.

“(ff) POLYFLUOROALKYL SUBSTANCE.—The term "partially fluorinated carbon atom" means a carbon atom on which some, but not all, of the hydrogen substituents have been replaced by fluorine.

“(gg) POLYFLUOROALKYL SUBSTANCE.—The term "fully fluorinated carbon atom" means a manmade chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

SEC. 1732. PERFORMANCE STANDARD FOR THE DETECTION OF PERFLUORINATED COMPOUNDS.

(a) In general.—The Director shall establish a performance standard for the detection of perfluorinated compounds.

(b) Emphasis.—

(1) In general.—In developing the performance standard under subsection (a), the Director shall emphasize the ability to detect perfluorinated compounds present in the environment as possible using analytical methods that—

(A) achieve limits of quantitation (as defined in the document of the United States Geological Survey entitled "Analytical Methods for Chemical Analysis of Geologic and Other Materials, U.S. Geological Survey" and dated 2002); and

(B) are as sensitive as is feasible and practicable.

(2) Requirement.—In developing the performance standard under subsection (a), the Director may—

(A) develop quality assurance and quality control measures to ensure accurate sampling and analytical results.

(B) develop a training program with respect to the appropriate method of sample

SEC. 1722. MONITORING AND DETECTION.

(a) Monitoring Program for Unregulated Contaminants.—

(1) In general.—The Administrator shall include each substance described in paragraph (2) in the fifth publication of the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)).

(2) Substances described.—The substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances for which a method to measure the level in drinking water has been validated by the Administrator; and

(b) Waiver.—The Administrator may extend the deadline under subclause (I) concurrently with the publication of notice of the determination, shall propose a national primary drinking water regulation under clause (i) or (ii) of subparagraph (D) of section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–4) no later than 1 year after the date on which the Administrator finalizes the performance standard under subsection (a)(2).

(3) Exception.—The perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances included in the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)) under paragraph (1) shall not count towards the limit of 30 unregulated contaminants to be monitored by public water systems under that section.

(b) APPLICABILITY.—

(1) IN GENERAL.—The Administrator shall—

(A) require public water systems serving not more than 10,000 persons to monitor for the substances described in subsection (a)(2); and

(B) subject to paragraph (2) and the availability of appropriations, require public water systems serving not fewer than 3,300 persons and not more than 10,000 persons to monitor for the substances described in subsection (a)(2); and

(2) REQUIREMENT.—If the Administrator determines that there is not sufficient laboratory capacity to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1), the Administrator may waive the monitoring requirements in those subparagraphs.

(c) Funds.—The Administrator shall pay the reasonable cost of such testing and laboratory analysis as is necessary to carry out the monitoring required under paragraph (1) from—

(A) funds made available under subsection (a)(2)(H) or (j)(5) of section 1445 of the Safe Drinking Water Act (42 U.S.C. 300j–4); or

(B) any other funds made available for that purpose.

SEC. 1725. ENFORCEMENT.

Notwithstanding any other provision of law, the Administrator may not impose financial penalties for the violation of a national primary drinking water regulation (as defined in section 1411(b)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–4)) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

SEC. 1459E. EMERGING CONTAMINANTS GRANTS.

(a) In General.—Subject to subsection (b), the Administrator may use grants under subsection (a) for purposes of the purposes of providing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.

(1)水中物質の存在が確認されたものです

(2)Priorities.—In selecting recipients of funds under section (a), the Administrator shall use the priorities described in section (a)(3).

(3) Public water systems serving fewer than 25,000 persons.

(b) Authorization of Appropriations.—The term "water systems serving fewer than 25,000 persons" means water systems serving not fewer than 3,300 persons and not more than 10,000 persons.

(c) Authorization of Appropriations.—The term "water systems serving fewer than 25,000 persons" means water systems serving not fewer than 3,300 persons and not more than 10,000 persons.

SEC. 1732. PERFORMANCE STANDARD FOR THE DETECTION OF PERFLUORINATED COMPOUNDS.

(a) In general.—The Director shall establish a performance standard for the detection of perfluorinated compounds.

(b) Emphasis.—

(1) In general.—In developing the performance standard under subsection (a), the Director shall emphasize the ability to detect perfluorinated compounds present in the environment as possible using analytical methods that—

(A) achieve limits of quantitation (as defined in the document of the United States Geological Survey entitled "Analytical Methods for Chemical Analysis of Geologic and Other Materials, U.S. Geological Survey" and dated 2002); and

(B) are as sensitive as is feasible and practicable.

(2) Requirement.—In developing the performance standard under subsection (a), the Director may—

(A) develop quality assurance and quality control measures to ensure accurate sampling and analytical results.

(B) develop a training program with respect to the appropriate method of sample
collection and analysis of perfluorinated compounds; and
(C) coordinate with the Administrator, including, if appropriate, coordinating to develop media-specific, validated analytical methods to detect individual and different perfluorinated compounds simultaneously.

SEC. 1733. NATIONWIDE SAMPLING.
(a) In general.—The Director shall carry out a nationwide sampling to determine the concentration of perfluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, and soil using the performance standard developed under section 1732(a).
(b) Requirements.—In carrying out the sampling under subsection (a), the Director shall—
(1) first carry out the sampling at sources of drinking water near locations with known or suspected releases of perfluorinated compounds;
(2) when carrying out sampling of sources of drinking water under paragraph (1), carry out the sampling prior to any treatment of the water;
(3) survey for ecological exposure to perfluorinated compounds, with a priority in determining direct human exposure through drinking water; and
(4) consult with—
(A) States to determine areas that are a priority for sampling; and
(B) the Administrator—
(i) to enhance coverage of the sampling; and
(ii) to avoid unnecessary duplication.
(c) Report.—Not later than 90 days after the completion of the sampling under subsection (a), the Director shall prepare a report describing the results of the sampling and submit the report to—
(1) the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate;
(2) the Committee on Energy and Commerce of the House of Representatives;
(3) the Senators of each State in which the Director carried out the sampling; and
(4) each Member of the House of Representatives that represents a district in which the Director carried out the sampling.

SEC. 1734. DATA USAGE.
(a) In general.—The Director shall provide the sampling data collected under section 1733 to—
(1) the Administrator; and
(2) other Federal and State regulatory agencies on request.
(b) Use.—The sampling data provided under subsection (a) shall be used to inform and enhance assessments of exposure, likely health and environmental impacts, and remediation priorities.

SEC. 1735. COLLABORATION.
In carrying out this subtitle, the Director shall collaborate with—
(1) appropriate Federal and State regulators;
(2) institutions of higher education;
(3) research institutions; and
(4) other expert stakeholders.

SEC. 1736. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Director to carry out this subtitle—
(1) $5,000,000 for fiscal year 2020; and
(2) $10,000,000 for each of fiscal years 2021 through 2024.

Subtitle D—Safe Drinking Water Assistance

SEC. 1741. DEFINITIONS.
In this section—
(1) contaminant.—The term "contaminant" means any physical, chemical, biological, or radiological substance or matter in water;
(2) contaminant of emerging concern: emerging contaminant.—The term "contaminant of emerging concern: emerging contaminant" means a contaminant that may have an adverse effect on the health of individuals.
(3) Federal research strategy.—The term "Federal research strategy" means the coordinated cross-agency plan for addressing critical research gaps related to detecting, assessing exposure to, and identifying the health effects of emerging contaminants in drinking water developed by the Office of Science and Technology Policy in response to the report of the Committee on Appropriations of the Senate accompanying S. 1662 of the 115th Congress (S. Rept. 115–139).
(4) Technical assistance and support.—The term "technical assistance and support" includes—
(A) assistance with—
(i) identifying appropriate analytical methods for the detection of contaminants;
(ii) understanding the strengths and limitations of the analytical methods described in clause (i);
(iii) troubleshooting the analytical methods described in clause (i);
(B) providing advice on laboratory certification program elements;
(C) interpreting the analysis results;
(D) providing training with respect to proper analytical techniques;
(E) identifying appropriate technology for the treatment of contaminants; and
(F) analyzing samples, if—
(i) the analysis cannot be otherwise obtained in a practicable manner otherwise; and
(ii) the capability and capacity to perform the analysis is available at a Federal facility.
(5) Working Group.—The term "Working Group" means the Working Group established under section 1742(b)(1).

SEC. 1742. RESEARCH AND COORDINATION PLAN FOR ENHANCED RESPONSE ON EMERGING CONTAMINANTS.
(a) In general.—The Administrator shall—
(1) review Federal efforts—
(A) to identify, monitor, and assist in the development of treatment methods for emerging contaminants;
(B) to assist States in responding to the human health risks posed by contaminants of emerging concern; and
(C) to develop any necessary program, policy, or regulation to identify and respond to contaminants of emerging concern;
(2) develop any necessary program, policy, or regulation to identify and respond to contaminants of emerging concern;
(3) select research proposals, for interagency cofunding or research activities, and for information sharing across agencies;
(4) establish the National Emerging Contaminant Research Initiative; and
(5) establish the National Emerging Contaminant Research Initiative.

(b) Interagency Working Group on Emerging Contaminants.—In carrying out subparagraph (A), the Administrator shall—
(1) take into consideration consensus conclusions from peer-reviewed, pertinent research on emerging contaminants; and
(ii) in consultation with the Administrator, identify priority emerging contaminants for research emphasis.
(3) Federal participation.—The agencies referred to in subparagraph (A) include—
(i) the National Science Foundation;
(ii) the National Institutes of Health;
(iii) the Environmental Protection Agency;
(iv) the National Institute of Standards and Technology;
(v) the United States Geological Survey; and
(vi) any other Federal agency that contributes to research in water quality, environmental exposures, and public health, as determined by the Director.
(D) Participation from additional entities.—In carrying out subparagraph (A), the Director shall consult with nongovernmental organizations, State governments, and science and research institutions determined by the Director to have scientific or material interest in the National Emerging Contaminant Research Initiative.

(2) Implementation of research recommendations.—
(A) In general.—Not later than 1 year after the date on which the Director and heads of the agencies described in paragraph (1)(C) establish the National Emerging Contaminant Research Initiative under paragraph (1)(C), the head of each agency described in paragraph (1)(C) shall—
(i) issue a solicitation for research proposals consistent with the Federal research strategy;
(ii) make grants to applicants that submit research proposals selected by the National Emerging Contaminant Research Initiative in accordance with subsection (B); and
(B) Selection of research proposals.—The National Emerging Contaminant Research Initiative shall select research proposals to receive grant funds on the basis of merit, using criteria identified by the Director, including the likelihood that the proposed research will result in significant progress towards achieving the objectives identified in the Federal research strategy.
(C) ELIGIBLE ENTITIES.—Any entity or group of 2 or more entities may submit to the head of each agency described in paragraph (1)(C) a research proposal in response to the research proposals described in subparagraph (A)(i), including—

(i) State and local agencies;
(ii) public institutions, including public institutions of higher education;
(iii) private corporations; and
(iv) nonprofit organizations.

(d) FEDERAL TECHNICAL ASSISTANCE AND SUPPORT FOR STATES.—

(1) STUDY.—

(A) I N GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study on technical assistance and support for States with respect to emerging contaminants in drinking water samples.

(B) CONTENTS OF STUDY.—In carrying out the study described in subparagraph (A), the Administrator shall identify—

(i) methods and effective treatment options to increase technical assistance and support with respect to emerging contaminants to States, including identifying opportunities for States to improve communication with the public about the risks associated with emerging contaminants; and

(ii) means to facilitate access to qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(iii) actions to be carried out at existing Federal laboratory facilities, including the research facilities of the Administrator, to provide technical assistance and support for States that require testing facilities for emerging contaminants.

(C) AVAILABILITY OF ANALYTICAL RESOURCES.—In carrying out the study described in subparagraph (A), the Administrator shall consider—

(i) the availability of—

(I) Federal and non-Federal laboratory capacity; and

(II) validated methods to detect and analyze contaminants; and

(ii) other factors determined to be appropriate by the Administrator.

(2) PROGRAM TO PROVIDE FEDERAL ASSISTANCE TO STATES.—

(A) I N GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study described in paragraph (1).

(B) PROGRAM TO PROVIDE FEDERAL ASSISTANCE TO STATES.—

(A) I N GENERAL.—Not later than 3 years after the date of enactment of this Act, based on the findings in the report described in paragraph (2), the Administrator shall develop a program to provide technical assistance and support to eligible States for the testing and analysis of emerging contaminants.

(B) APPLICATION.—

(i) I N GENERAL.—To be eligible for technical assistance and support under this paragraph, a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(ii) CRITERIA.—The Administrator shall evaluate an application for technical assistance and support under this paragraph on the basis of merit using criteria identified by the Administrator, including—

(I) the laboratory facilities available to the State;

(II) the availability and applicability of existing analytical methodologies;

(III) the potency and severity of the emerging contaminant; and

(IV) the prevalence and magnitude of the emerging contaminant.

(iii) PRIORITY.—In selecting States to receive technical assistance and support under this paragraph, the Administrator—

(I) shall give priority to States with affected populations in financially distressed communities;

(II) may—

(aa) waive the application process in an emergency situation; and

(bb) require an abbreviated application process for the continuation of work specified in a previously approved application that continues to meet the criteria described in clause (i); and

(III) shall consider the relative expertise and availability of—

(aa) Federal and non-Federal laboratory capacity available to the State;

(bb) analytical resources available to the State; and

(cc) other types of technical assistance available to the State.

(C) DATABASE OF AVAILABLE RESOURCES.—

The Administrator shall establish and maintain a database of resources available through the program developed under paragraph (A) to assist States with testing for emerging contaminants that—

(I) is—

(aa) available to States and stakeholder groups determined by the Administrator to have scientific or material interest in emerging contaminants, including—

(A) drinking water and wastewater utilities;

(bb) laboratories;

(cc) Federal and State emergency responders;

(dd) State primacy agencies;

(ee) public health agencies; and

(ff) water treatment laboratories;

(bb) searchable and

(III) accessible through the website of the Administrator; and

(II) includes a description of—

(I) qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(II) the resources available in Federal laboratory facilities to test for emerging contaminants.

(D) WATER CONTAMINANT INFORMATION TOOLS.—The Administrator shall integrate the database established under subparagraph (C) into the Water Contaminant Information Tool of the Environmental Protection Agency.

(4) FUNDING.—Of the amounts available to the Administrator, the Administrator may use not more than $15,060,000 in a fiscal year to carry out this subsection.

(e) REPORT.—Not less frequently than once every 2 years until 2029, the Administrator shall submit to Congress a report that describes the progress made in carrying out this subtitle.

(f) EFFECT.—Nothing in this section modifies any obligation of a State, local government, or institution with respect to treatment methods for, or testing or monitoring of, drinking water.

Subtitle E—Miscellaneous

SEC. 1751. PFAS DATA CALL.

Section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607(a)) is amended by adding at the end the following:

“(7) PFAS DATA.—Not later than January 1, 2023, the Administrator shall promulgate a rule in accordance with this subsection requiring each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance in any year since January 1, 2006, to submit to the Administrator and the Secretary of the Environment and the Air, an annual report that includes, for each year since January 1, 2006, the information described in paragraph (2).“.

SEC. 1752. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN PFAS.

Not later than June 22, 2020, the Administrator shall take final action on the significant new use rule proposed by the Administrator under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) in the proposed Federal Register entitled “Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule” (80 Fed. Reg. 2885 (January 21, 2015)).

SEC. 1753. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish interim guidance on the destruction and disposal of perfluoroalkyl and polyfluoroalkyl substances, including—

(1) aqueous film-forming foam;

(2) soil and biosolids;

(3) textiles treated with perfluoroalkyl and polyfluoroalkyl substances; and

(4) spent filters, membranes, and other waste from water treatment.

(b) CONSIDERATIONS; INCLUSIONS.—The interim guidance under subsection (a) shall—

(1) take into consideration—

(A) the potential for releases of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including through volatilization, air disper-

B (Continued)
SA 704. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle—Congressional Approval of National Emergencies

SEC. 01. SHORT TITLE.
This subtitle may be cited as the “Reforming Emergency Powers to Uphold the Balance of the Constitution Act” or the “REPUBLIC Act”.

SEC. 02. CONGRESSIONAL APPROVAL OF NATIONAL EMERGENCY DECLARATIONS.

(a) In General.—Section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.) is amended to read as follows:

```
(b) SPECIFICATION OF POWERS AND AUTHORITIES.—The President shall specify, in the proclamation declaring a national emergency, the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to the same circumstances.
```

(c) ENACTMENT AFTER 72 HOURS UNLESS APPROVED BY CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a national emergency declared under subsection (a), or to the exercise of emergency powers and authorities pursuant to provisions of law described in subsection (b), shall terminate at the time specified in subsection (d).

(2) APPROVAL BY CONGRESS REQUIRED.—A national emergency declared under subsection (a), and the exercise of any emergency power or authority pursuant to a provision of law described in subsection (b), may continue after the time specified in subsection (d) if—

(A) the President publishes in the Federal Register an Executive order making specific the provisions of law under subsection (b) specifying the provisions of law pursuant to which the President proposes to exercise emergency powers or authority; or

(B) a joint resolution approving a list of provisions from the list of provisions of law enacted after the date of the enactment of this Act and approved by the joint resolution is introduced in the House of Congress within 72 hours after the declaration of the emergency.

(3) TIME SPECIFIED.—The time specified in this paragraph is—

(A) except as provided in subparagraph (B), 72 hours after the President declares the national emergency; or

(B) if Congress is unable to convene during the 72-hour period described in subparagraph (A), 72 hours after the President transmits to Congress an Executive order making specific the provisions of law under subsection (b) specifying the provisions of law pursuant to which the President proposes to exercise emergency powers or authority.

(4) TERMINATION AFTER 90 DAYS UNLESS RENEWED WITH CONGRESSIONAL APPROVAL.—

A national emergency declared under subsection (a) with respect to which a joint resolution of approval is enacted under subsection (f) and the exercise of any emergency power or authority pursuant to that emergency, shall terminate on the date that is 90 days after the President declares the emergency, unless, before the termination of the emergency—

(A) the President publishes in the Federal Register an Executive order making specific the provisions of law under subsection (b) specifying the provisions of law pursuant to which the President proposes to exercise emergency powers or authority; or

(B) a joint resolution approving a list of provisions from the list of provisions of law enacted after the date of the enactment of this Act and approved by the joint resolution is introduced in the House of Congress within 72 hours after the declaration of the emergency.

(5) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—In the House of Representatives, if any committee to which a joint resolution of approval has been referred has not reported it to the House at the end of 2 calendar days after its introduction, the committee shall be discharged from further consideration of the joint resolution, and the resolution shall be placed on the appropriate calendar. It shall be in order at any time after the Speaker recognizes a Member who favors passage of a joint resolution to call up that joint resolution to order for consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and the opposition. It shall not be in order to reconsider the vote on passage.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval, one House receives a joint resolution of approval from the other House, then—

(A) the joint resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as such procedures apply to a joint resolution of the receiving House.

```

(b) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee to which a joint resolution of approval is referred has not reported it to the Senate at the end of 2 calendar days after its introduction, the committee shall be discharged from further consideration of the joint resolution and the resolution shall be placed on the appropriate calendar. The motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution, or against consideration of the joint resolution are waived. The motion to proceed is not debatable. The motion is not subject to amendment. A motion to a motion to proceed to the consideration of other business.

(C) AMENDMENTS.—No amendments shall be in order with respect to a joint resolution of approval, except for amendments that strike provisions from the list of provisions of law required by paragraph (1)(B) or otherwise narrow the scope of emergency powers and authorities authorized to be exercised pursuant to such provisions of law.

(D) MOTION TO RECONSIDER FINAL VOTE.—A motion to reconsider a vote on final passage of a joint resolution of approval shall not be in order.

(E) APPEALS.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(F) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—In the House of Representatives, if any committee to which a joint resolution of approval has been referred has not reported it to the House at the end of 2 calendar days after its introduction, that committee shall be discharged from further consideration of the joint resolution and the resolution shall be placed on the appropriate calendar. It shall be in order at any time after the Speaker recognizes a Member who favors passage of a joint resolution to call up that joint resolution to order for consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and the opposition. It shall not be in order to reconsider the vote on passage.

(G) EFFECT OF LATER-ENACTED LAWS.—No law enacted after the date of the enactment of this Act and approved by the joint resolution has effect until the resolution has been approved by the other House.

```

(b) In Conforming Amendments.—The Senate of the United States approved the resolution described in subsection (a) and directed that it be ordered printed for inclusion in the final resolution of the Senate.
(B) in subsection (c), by striking paragraph (5) and inserting the following:

(5) The term ‘ally’ means a parcel of land—

(A) granted out of the public domain that is—

(i) located within the exterior boundaries of the Reservation; or

(ii) Bureau of Indian Affairs parcel number 792 63551 in San Juan County, Utah, consisting of 160 acres located in Twp 41S, Range 20E, sections 11, 12, and 14, originally set aside by the United States for the benefit of an individual identified in the alloting document as a Navajo.

(B) held in trust by the United States—

(i) for the benefit of an individual, individuals, or an Indian Tribe other than the Navajo Nation; or

(ii) in part for the benefit of the Navajo Nation as of the enforceability date.

(3) Allottee.—The term “allottee” means an individual or Indian Tribe with a beneficial interest in an allotment held in trust by the United States.

(4) Enforceability date.—The term “enforceability date” means the date on which the temporary prohibition in the Federal Register the statement of findings described in subsection (g)(1).

(5) General stream adjudication.—The term “general stream adjudication” means the adjudication pending, as of the date of enactment, in the Seventh Judicial District in and for Grand County, State of Utah, commonly known as the “Southeastern Colorado River General Adjudication”, Civil No. 610704477, conducted pursuant to State law.

(6) Injury to water rights.—The term “injury to water rights” means an interference with, diminution of, or deprivation of water rights under Federal or State law, exclusive of injuries to water use, water quality, or the environment.

(7) Member.—The term “member” means any person who is a duly enrolled member of the Navajo Nation.

(8) Navajo Nation or Nation.—The term “Navajo Nation” or “Nation” means a body politic and federally recognized Indian nation, as published on the list established under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)), also known variously as the “Navajo Nation”, the “Navajo Nation of Arizona, New Mexico, and Utah”, and the “Nation of Indians” and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation and all divisions, agencies, offices, and agencies thereof.

(9) Navajo water development projects.—The term “Navajo water development projects” means projects for domestic municipal water supply, including distribution infrastructure, and agricultural water conservation, to be constructed, in whole or in part, using monies from the Navajo Water Development Projects of the Federally Recognized United States.

(10) Navajo water rights.—The term “Navajo water rights” means the Nation’s water rights in Utah described in the agreement and this section.


(12) Parties.—The term “parties” means the Navajo Nation, the State, and the United States.

(13) Reservation.—The term “Reservation” means, for purposes of the agreement and this section, the Reservation of the Navajo Nation in Utah as in existence on the date of enactment of this Act and depicted on the map attached to the agreement as Exhibit A, excluding any parcel located out of the public domain and held in trust by the United States entirely for the benefit of

year, and for other purposes; which was

ordered to lie on the table; as follows:

At the end of subpart E of title X, add the following:

SEC. 1045. PROHIBITION ON THE INDEFINITE PRESERVATION 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);

(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.

(b)(2) Any authority, on its own, 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 121 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–81; 10 U.S.C. 801 note) is repealed.

(a) Purpose.—The purpose of this section are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Utah for—

(A) the Navajo Nation; and

(B) the United States, for the benefit of the Nation;

(2) to authorize, ratify, and confirm the Agreement entered into by the Nation and the State, to the extent that the Agreement is consistent with this section;

(3) to authorize and direct the Secretary—

(A) to execute the Agreement; and

(B) to take any actions necessary to carry out the agreement in accordance with this section; and

(4) to authorize funds necessary for the implementation of the Agreement and this section.

(b) Definitions.—In this section:

(1) Agreement.—The term “agreement” means—

(A) the document entitled “Navajo Utah Water Rights Settlement Agreement” dated December 14, 2015, and the exhibits attached thereto; and

(B) any amendment or exhibit to the document or exhibits referenced in subparagraph (A) to make the document or exhibits consistent with this section.

(2) Allotment.—The term “allotment” means a parcel of land—

(A) granted out of the public domain that is—

(i) located within the exterior boundaries of the Reservation; or

(ii) Bureau of Indian Affairs parcel number 792 63551 in San Juan County, Utah, consisting of 160 acres located in Twp 41S, Range 20E, sections 11, 12, and 14, originally set aside by the United States for the benefit of an individual identified in the alloting document as a Navajo.

(B) held in trust by the United States—

(i) for the benefit of an individual, individuals, or an Indian Tribe other than the Navajo Nation; or

(ii) in part for the benefit of the Navajo Nation as of the enforceability date.

(3) Allottee.—The term “allottee” means an individual or Indian Tribe with a beneficial interest in an allotment held in trust by the United States.

(4) Enforceability date.—The term “enforceability date” means the date on which the temporary prohibition in the Federal Register the statement of findings described in subsection (g)(1).

(5) General stream adjudication.—The term “general stream adjudication” means the adjudication pending, as of the date of enactment, in the Seventh Judicial District in and for Grand County, State of Utah, commonly known as the “Southeastern Colorado River General Adjudication”, Civil No. 610704477, conducted pursuant to State law.

(6) Injury to water rights.—The term “injury to water rights” means an interference with, diminution of, or deprivation of water rights under Federal or State law, exclusive of injuries to water use, water quality, or the environment.

(7) Member.—The term “member” means any person who is a duly enrolled member of the Navajo Nation.

(8) Navajo Nation or Nation.—The term “Navajo Nation” or “Nation” means a body politic and federally recognized Indian nation, as published on the list established under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)), also known variously as the “Navajo Nation”, the “Navajo Nation of Arizona, New Mexico, and Utah”, and the “Nation of Indians” and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation and all divisions, agencies, offices, and agencies thereof.

(9) Navajo water development projects.—The term “Navajo water development projects” means projects for domestic municipal water supply, including distribution infrastructure, and agricultural water conservation, to be constructed, in whole or in part, using monies from the Navajo Water Development Projects of the Federally Recognized United States.

(10) Navajo water rights.—The term “Navajo water rights” means the Nation’s water rights in Utah described in the agreement and this section.


(12) Parties.—The term “parties” means the Navajo Nation, the State, and the United States.

(13) Reservation.—The term “Reservation” means, for purposes of the agreement and this section, the Reservation of the Navajo Nation in Utah as in existence on the date of enactment of this Act and depicted on the map attached to the agreement as Exhibit A, excluding any parcel located out of the public domain and held in trust by the United States entirely for the benefit of
the Navajo Nation as of the enforceability date.

14. SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the United States Department of the Interior or a duly authorized representative thereof.

15. STATE.—The term ‘‘State’’ means the State of Utah and all officers, agents, departments, and subdivisions thereof.

16. UNITED STATES.—The term ‘‘United States’’ means the United States of America and all departments, agencies, bureaus, officers, and agents thereof.

17. UNITED STATES ACTING IN ITS TRUST CAPACITY.—The term ‘‘United States acting in its trust capacity’’ means the United States acting on behalf of the Navajo Nation or for the benefit of allottees.

(c) RATIFICATION OF AGREEMENT.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the agreement conflicts with this section, Congress approves, ratifies, and confirms the agreement (including any amendments to the agreement that are executed to make the agreement consistent with this section).

(2) EXECUTION BY SECRETARY.—The Secretary is authorized and directed to promptly execute and certify the agreement required by the Secretary and any amendments to the agreement necessary to make the agreement consistent with this section.

(b) ENVIRONMENTAL COMPLIANCE.—

(A) IN GENERAL.—In implementing the agreement and this section, the Secretary shall comply with all applicable provisions of—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) all other applicable environmental laws and regulations.

(c) EXECUTION OF THE AGREEMENT.—Execution of the agreement by the Secretary as provided for in this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) NAVAJO WATER RIGHTS.—

(1) CONFIRMATION OF NAVAJO WATER RIGHTS.—

(A) QUANTIFICATION.—The Navajo Nation shall have the right to use water from water sources located within Utah and adjacent to or encompassed within the boundaries of the Reservation in depletions not to exceed 81,500 acre-feet annually as described in the agreement and as confirmed in the decision entered by the general stream adjudication court.

(B) SATISFACTION OF ALLOTTEE RIGHTS.—Depletions resulting from the use of water on an allotment shall be accounted for as a depletion by the Navajo Nation for purposes of depletion accounting under the agreement, including recognition of—

(i) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in subsection (f)(3);

(ii) reasonable domestic and stock water uses put into use on an allotment; and

(iii) any allotment water rights that may be decreed in the general stream adjudication of the water in the OM&R Forum.

(C) SATISFACTION OF ON-RESERVATION STATE LAW-BASED WATER RIGHTS.—Depletions resulting from the use of water on the Reservation by the State or the use of water rights existing as of the date of enactment of this Act shall be accounted for as depletions by the Navajo Nation for purposes of depletion accounting under the agreement.

(D) IN GENERAL.—The Navajo water rights are ratified, confirmed, and declared to be valid.

(E) USE.—Any use of the Navajo water rights shall be subject to the terms and conditions of the agreement and this section.

(F) CONFLICT.—In the event of a conflict between the agreement and this section, the provisions of this section shall control.

(2) TRUST STATUS OF NAVAJO WATER RIGHTS.—The Navajo water rights shall be held in trust by the United States for the use and benefit of the Nation in accordance with the agreement and this section; and

(B) shall not be subject to forfeiture or abandonment.

(3) AUTHORITY OF THE NATION.—

(A) IN GENERAL.—The Nation shall have the authority to allocate, distribute, and lease the Navajo water rights for off-Reservation use in accordance with the agreement, this section, and applicable Tribal and Federal law.

(B) OFF-RESERVATION USE.—The Nation may allocate, distribute, and lease the Navajo water rights for off-Reservation use in accordance with the agreement, subject to the approval of the Secretary.

(C) ALLOTTEE RIGHTS.—The Nation shall not object in the general stream adjudication or other applicable forum to the quantification of reasonable domestic and stock water uses on an allotment, and shall administer any water use on the Reservation in accordance with applicable Federal law, including recognition of—

(i) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in subsection (f)(3);

(ii) reasonable domestic and stock water uses on an allotment; and

(iii) any allotment water rights decreed in the general stream adjudication or other appropriate forum.

(4) MANAGEMENT AND INTEREST.—

(A) MANAGEMENT.—Upon receipt and deposit to the Trust Fund the following amounts shall be made available to the Nation by the Secretary: (I) trust fund earnings, including interest, credited to amounts held in the Trust Fund are authorized to be appropriated to be used in accordance with the uses described in paragraph (5). (B) IN GENERAL.—The Nation shall have the authority to allocate, distribute, and lease the Navajo water rights for off-Reservation use in accordance with the agreement, subject to the uses and restrictions set forth in this subsection.

(B) SATISFACTION OF ON-RESERVATION STATE LAW-BASED WATER RIGHTS.—The Nation shall not object in the general stream adjudication or other applicable forum to the quantification of reasonable domestic and stock water uses on an allotment, and shall administer any water use on the Reservation in accordance with applicable Federal law, including recognition of—

(i) any water use existing on an allotment as of the date of enactment of this Act and as subsequently reflected in the hydrographic survey report referenced in subsection (f)(3);

(ii) reasonable domestic and stock water uses on an allotment; and

(iii) any allotment water rights decreed in the general stream adjudication or other appropriate forum.

(5) AVAILABILITY OF AMOUNTS.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, shall be made available to the Nation by the Secretary on the enforceability date and subject to the uses and restrictions set forth in this subsection.

(A) WITHDRAWALS UNDER THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1991.—The Nation may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a Tribal management plan under this paragraph in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) (1).

(B) WITHDRAWALS UNDER EXPENDITURE PLAN.—The Nation may withdraw from the Trust Fund pursuant to an approved expenditure plan.

(C) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under this subparagraph, the Nation shall submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(D) INCLUSION.—The Nation may withdraw amounts proposed to be withdrawn from the Trust Fund will be used by the Nation, in accordance with paragraphs (3) and (4).

(E) APPROVAL.—On receipt of an expenditure plan under this subparagraph, the Secretary shall approve the plan, if the Secretary determines that the plan—

(I) is reasonable;

(II) is consistent with, and will be used for, the purposes of this section; and

(III) contains a schedule described in this subparagraph which the Secretaries of the Interior will complete within 18 months of receipt of withdrawal amounts.

(F) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan to ensure that amounts withdrawn by the Nation from the Trust Fund under this subparagraph are used in accordance with this section.

(B) WITHDRAWALS UNDER EXPENDITURE PLAN.—The Nation shall withdraw from the Trust Fund pursuant to an approved expenditure plan.

(C) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under this subparagraph, the Nation shall submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(D) INCLUSION.—The Nation may withdraw amounts proposed to be withdrawn from the Trust Fund will be used by the Nation, in accordance with paragraphs (3) and (4).

(E) APPROVAL.—On receipt of an expenditure plan under this subparagraph, the Secretary shall approve the plan, if the Secretary determines that the plan—

(I) is reasonable;

(II) is consistent with, and will be used for, the purposes of this section; and

(III) contains a schedule described in this subparagraph which the Secretaries of the Interior will complete within 18 months of receipt of withdrawal amounts.

(F) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this section.
(g) Conditions Precedent.—

(1) In general.—The waivers and release of claims set forth in subsection (h) shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings under this section.

(A) To the extent that the agreement conflicts with this section, the agreement has been revised to conform with this section;

(B) the State has enacted any necessary legislation and provided the funding required under the agreement and subsection (f)(3); and

(E) the court has entered a final or interlocutory decree that—

(i) confirms the Navajo water rights consistent with the agreement and this section; and

(ii) with respect to the Navajo water rights, is final and nonappealable.

(2) Expiration of Conditions Precedent.—If any conditions precedent described in paragraph (1) have not been fulfilled to allow the Secretary’s state¬ment of findings to be published in the Federal Register, the negotiations, execution, or adoption of the agreement or this section is invalid.

(h) Waivers and Releases.—

(1) In general.—The waivers and release of claims authorized by law, including any laws (including regulations implementing those Acts), and the Federal Water Pollution Control Act (33 U.S.C. 300f et seq.), and the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1251 et seq.), the regulations implementing those Acts, and the common law; and

(2) Repetition.—The adjustment process under this paragraph shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated and the funding shall end on the date on which funds are deposited into the Trust Fund.

(2) Effect of Title.—Nothing in this section gives the Nation the right to judicial re¬view or to bring an action pursuant to the Administrative Procedure Act. The Secretary shall have no duty to respond to the Nation’s request for a declaratory judgment or claim.

(3) Reservation of Rights and Retention of Claims by the Nation Against the United States.—Notwithstanding the waivers and releases authorized in this section, and any rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to the agreement and this section.

(4) Effect.—Nothing in the agreement or this section—

(A) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws (including regulations and common law) relating to human health, safety, or the environment; and

(E) all claims under any laws (including regula¬tions and common law) relating to human health, safety, or the environment; and

(2) Claims against the United States acting in its sovereign capacity to take actions authorized by law, including any laws (including regulations and common law) relating to human health, safety, or the environment; and

(c) any funds contributed by the State pursuant to subsection (f)(3) but not expended shall be returned immediately to the State.

(3) Extension.—The expiration date set forth in paragraph (2) may be extended if the Navajo Nation, the State, and the United States (acting through the Secretary) agree that an extension is reasonably necessary.

(b) Waivings and Releases.—

(1) Waiver and Release of Claims.—

(A) All claims the Navajo Nation may have against the United States relating in any manner to claims for damages to natural resources, injuries to, or losses of, the Nation’s water rights in proceedings in Utah

(G) any funds that have been appropriated to the Secretary for deposit into the Navajo Water Development Projects Account of the Trust Fund established under subsection (e)(2)(A), $189,300,000, which funds shall be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(B) the General Services Administration, and any amounts withdrawn from the Trust Fund by the expenditure or investment of any amounts appropriated pursuant to this section.

(3) Reservations of Rights and Retention of Claims.—

(A) Any funds that have been appropriated pursuant to the agreement or this section shall no longer be effective.

(2) Implementation Costs.—There is authorized to be appropriated non-trust funds in the amount of $3,000,000 to the United States with costs associated with the implementation of this section, including the preparation of a hydrographic survey of existing and existing water uses on the Reservation and on allotments.

(3) State Cost Share.—The State shall contribute $8,000,000 payable to the Secretary acting in its trust capacity for the Nation or the Navajo Nation, and the United States acting in its sovereign capacity to take actions authorized by law, including any laws (including regulations and common law) relating to human health, safety, or the environment; and

(F) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to the agreement and this section,

(D) all claims the Navajo Nation may have against the United States relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources arising from any acts of the United States, including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to interference with, diversion, or taking of water; or claims relating to failure to protect, acquire, replace, or develop water or water rights) within Utah that first accrued and were brought up to and including the enforceability date;

(3) Reservations of Rights and Retention of Claims.—

(A) the agreement and this section, including waivers and releases of claims described in those documents, shall no longer be effective.

(3) Reservations of Rights and Retention of Claims.—

(A) All claims the Navajo Nation may have against the United States acting in its sovereign capacity to take actions authorized by law, including any laws (including regulations and common law) relating to human health, safety, or the environment; and

(4) Fluctuation in Costs.—The amount authorized, as adjusted, has been fulfilled to allow the Secretary’s state¬ment of findings to be published in the Federal Register.

(4) Effect.—Nothing in the agreement or this section—

(A) Repetition.—The adjustment process under this paragraph shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated; and

(A) the agreement and this section, including waivers and releases of claims described in those documents, shall no longer be effective.

(1) Authorization.—There are authorized to be appropriated non-trust funds in the amount of $3,000,000 to the United States with costs associated with the implementation of this section, including the preparation of a hydrographic survey of existing and existing water uses on the Reservation and on allotments.

(3) State Cost Share.—The State shall contribute $8,000,000 payable to the Secretary acting in its trust capacity for the Nation or the Navajo Nation, and the United States acting in its sovereign capacity to take actions authorized by law, including any laws (including regulations and common law) relating to human health, safety, or the environment; and

(F) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to the agreement and this section,

(4) Effect.—Nothing in the agreement or this section—

(A) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws (including regulations and common law) relating to human health, safety, or the environment; and

(B) Period of Indexing.—The period of in¬dexing adjustment for any increment of
Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws; 

(B) affects the ability of the United States to take actions in its capacity as trustee for any other allottee; 

(C) confers jurisdiction on any State court to—

(i) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; and 

(ii) conduct judicial review of Federal agency action; or 

(D) modifies, conflicts with, preempts, or otherwise affects—

(i) Boulder Canyon Project Act (43 U.S.C. 617 et seq.); 

(ii) Boulder Canyon Project Adjustment Act (43 U.S.C. 618 et seq.); 

(iii) Act of April 11, 1906 (commonly known as the “Colorado River Storage Project Act”) (43 U.S.C. 620 et seq.); 

(iv) Colorado River Basin Project Act (43 U.S.C. 1501 et seq.); 

(v) Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219); 

(vi) Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000); and 

(vii) Upper Colorado River Compact as consented to by the Act of April 6, 1949 (60 Stat. 31, chapter 49). 

(5) TOLLING OF LIMITATION.—

(A) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim waived by the Navajo Nation described in this subsection shall be tolled for the period beginning on the date of enactment of this Act and ending on the enforcement date. 

(B) EFFECT.—Nothing in this paragraph renews any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act. 

(C) LIMITATION.—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law. 

(I) MISCELLANEOUS PROVISIONS.—

(1) PRECEDENT.—Nothing in this section establishes a precedent for the quantification or litigation of Federal reserved water rights or any other Indian water claims of any other Indian Tribe in any other judicial or administrative proceeding. 

(2) OTHER INDIAN TRIBES.—Nothing in the agreement or this section shall be construed in any way to quantify or otherwise adversely affect the water rights, claims, or entitlements to water of any Indian Tribe, band, or community, other than the Navajo Nation. 

(3) RELATION TO ALLOTTEES.—

(I) NO EFFECT ON CLAIMS OF ALLOTTEES.—Nothing in this section or the agreement shall affect or waive claims of allottees, or the United States, acting in its capacity as trustee for or on behalf of allottees, for water rights or damages related to lands allotted by the United States to allottees, except as provided in subsection (d)(1)(B). 

(II) RELATIONSHIP OF DEGREE TO ALLOTTEES.—Allottees, or the United States, acting in its capacity as trustee for allottees, are not bound by any decree entered in the general stream adjudication confirming the Navajo water rights and shall not be required to make claims to water rights in the general stream adjudication. Allottees, or the United States, acting in its capacity as trustee for allottees, may make claims to water rights which may be adjudicated as individual water rights in the general stream adjudication. 

(k) ANTIDEFICIENCY.—The United States shall not be liable for any failure to carry out any obligation or activity authorized by this section (including any obligation or activity under an agreement) if adequate appropriations are not provided expressly by Congress to carry out the purposes of this section. 

SA 707. Mrs. HYDE-SMITH (for herself, Ms. CANTWELL, and Mr. DAINES) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. 1086. DESIGNATING THE WEEK OF SEPTEMBER 29 THROUGH OCTOBER 5, 2019, AS "GOLD STAR FAMILIES REMEMBRANCE WEEK''—Congress makes the following findings:

(1) The last Sunday in September—

(A) is designated as "Gold Star Mother’s Day" under section 111 of title 36, United States Code; and 

(B) was first designated as "Gold Star Mother’s Day" under the Joint Resolution entitled "Joint Resolution designating the last Sunday in September as ‘Gold Star Mother’s Day’, and for other purposes'', approved June 23, 1936 (49 Stat. 1895). 

(2) There is no date dedicated to families affected by the loss of a loved one who died in service to the United States. 

(3) A gold star is the symbol of a family member who died in the line of duty while serving in the Armed Forces. 

(4) The members and veterans of the Armed Forces, through their service, bear the burden of protecting the freedom of the people of the United States. 

(5) The selfless example of the service of the members of the Armed Forces, as well as the sacrifices made by the families of those individuals, inspires all individuals in the United States to sacrifice and work diligently for the good of the United States. 

(6) The sacrifices of the families of the fallen members of the Armed Forces and the communities of families of the Armed Forces should never be forgotten. 

(b) DESIGNATING THE WEEK OF SEPTEMBER 29 THROUGH OCTOBER 5, 2019, AS "GOLD STAR FAMILIES REMEMBRANCE WEEK''—Congress—

(1) designates the week of September 29 through October 5, 2019, as "Gold Star Families Remembrance Week''; 

(2) honors the sacrifices made by the families of members of the Armed Forces who have made the ultimate sacrifice in order to defend freedom and protect the United States and by the families of veterans of the Armed Forces; and 

(3) encourages the people of the United States to observe Gold Star Families Remembrance Week, by—

(A) performing acts of service and goodwill in their communities; and 

(B) celebrating families in which loved ones no longer live, by the sacrifices so that others could continue to enjoy life, liberty, and the pursuit of happiness. 

SA 708. Mr. LEE (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. 1086. DESIGNATING THE WEEK OF SEPTEMBER 29 THROUGH OCTOBER 5, 2019, AS "GOLD STAR FAMILIES REMEMBRANCE WEEK''—Congress makes the following findings:

(1) The last Sunday in September—

(A) designates as "Gold Star Mother’s Day" under section 111 of title 36, United States Code; and 

(B) was first designated as "Gold Star Mother’s Day" under the Joint Resolution entitled "Joint Resolution designating the last Sunday in September as ‘Gold Star Mother’s Day’, and for other purposes'', approved June 23, 1936 (49 Stat. 1895). 

(2) There is no date dedicated to families affected by the loss of a loved one who died in service to the United States. 

(3) A gold star is the symbol of a family member who died in the line of duty while serving in the Armed Forces. 

(4) The members and veterans of the Armed Forces, through their service, bear the burden of protecting the freedom of the people of the United States. 

(5) The selfless example of the service of the members of the Armed Forces, as well as the sacrifices made by the families of those individuals, inspires all individuals in the United States to sacrifice and work diligently for the good of the United States. 

(6) The sacrifices of the families of the fallen members of the Armed Forces and the communities of families of the Armed Forces should never be forgotten. 

(b) DESIGNATING THE WEEK OF SEPTEMBER 29 THROUGH OCTOBER 5, 2019, AS "GOLD STAR FAMILIES REMEMBRANCE WEEK''—Congress—

(1) designates the week of September 29 through October 5, 2019, as "Gold Star Families Remembrance Week''; 

(2) honors the sacrifices made by the families of members of the Armed Forces who have made the ultimate sacrifice in order to defend freedom and protect the United States and by the families of veterans of the Armed Forces; and 

(3) encourages the people of the United States to observe Gold Star Families Remembrance Week, by—

(A) performing acts of service and goodwill in their communities; and 

(B) celebrating families in which loved ones no longer live, by the sacrifices so that others could continue to enjoy life, liberty, and the pursuit of happiness. 

SA 708. Mr. LEE (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed by him to the
SA 709. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

SEC. 811. PROHIBITION ON THE USE OF A REVERSE AUCTION FOR THE AWARD OF A CONTRACT FOR DESIGN AND CONSTRUCTION SERVICES.

(a) Prohibition.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to prohibit the use of reverse auctions to award contracts for design and construction services.

(b) Definitions.—In this section—

(1) the term "design and construction services" means—

(A) site planning and landscape design;

(B) architectural and engineering services (as defined in section 1102 of title 40, United States Code);

(C) interior design;

(D) performance of substantial construction work; and

(E) environmental restoration projects;

(f) construction or substantial alteration of public buildings or public works; and

(g) the term "reverse auction" means, with respect to any procurement by an executive agency—

(A) a real-time auction conducted through an electronic medium among 2 or more offerors who compete by submitting bids for a procurement contract, or a delivery order, task order, or purchase order under the contract, with the ability to submit revised lower bids at any time before the closing of the contract; and

(B) the award of the contract, delivery order, task order, or purchase order to the offeror, in whole or in part, based on the price obtained through the auction process.

SA 711. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 108. PENSACOLO DAM AND RESERVOIR, GRAND RIVER, OKLAHOMA.

(a) FINDINGS.—Congress finds that—

(1) since the Pensacola Dam and Reservoir became operational in 1938, the Secretary of the Army has held exclusive jurisdiction over flood control operations, including areas inside and outside the project boundary; and

(2) the jurisdiction of the Commission has consistently been limited to areas within the project boundary; and

(b) PURPOSE.—The purpose of this section is to clarify Federal authorities and responsibilities relating to the Pensacola Dam and Reservoir.

(c) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) CONSERVATION POOL.—The term "conservation pool" means all land and water of Grand Lake O’the Cherokees, Oklahoma, subject to flood control operations of the Secretary pursuant to section 7 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 709).

(3) FLOOD POOL.—The term "flood pool" means all land and water of Grand Lake O’the Cherokees, Oklahoma, subject to flood control operations of the Secretary pursuant to section 7 of the Act of December 22, 1944 (58 Stat. 890, chapter 665; 33 U.S.C. 709).

(4) PROJECT.—The term "project" means the Pensacola Hydroelectric Project (FERC No. 1494).

(5) PROJECT BOUNDARY.—The term "project boundary" means the area—

(A) designated as within the project boundary in the maps under Exhibit G approved in the Commission Order Issuing New License, dated April 23, 1992; and

(B) which generally encompasses, to the extent of the interests of the project license,

(i) the Pensacola Dam and powerhouse;

(ii) Grand Lake O’the Cherokees, Oklahoma;

(iii) the shoreline areas of the conservation pool below approximately elevation 750 feet (Pensacola Datum); and

(iv) facilities appurtenant to hydropower operations and areas for maintenance under the Commission license.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Army.

(7) CONSERVATION POOL MANAGEMENT.—

(1) FEDERAL LAND.—Notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 792(2)), Federal land within the project boundary, including any right, title, or interest in or to land held by the United States for any purpose, shall not be considered to be—

(A) a reservation for purposes of section 4 of that Act (16 U.S.C. 797(e));

(B) land or other property of the United States; and

(C) a recreation facility; and

(2) LICENSE CONDITIONS.—Notwithstanding any other provision of law, the Commission shall include in the license for the project any condition or other requirement relating to—

(A) surface elevations of the conservation pool or flood pool;

(B) land or water outside the project boundary;
improvement outside the project boundary
water, or physical infrastructure or other
not hold flowage rights or holds insufficient
or damage to, land outside the project
water effect, may result in the inundation of,
with Pensacola Dam, including any back-
flood control operations at or associated
military activities of the Department
Army, for military construction, and
for fiscal year 2020 for mili-
to the bill S. 1790, to authorize appro-
ment intended to be proposed by him
authorized appropriations.
authorized appropriations.
— Intelligence community manage-
title S. 1790, to authorize appropri-
for the bill S. 1790, to authorize appropri-
emitted by law.
SA 713. Mr. CARDIN submitted an
an amendment intended to be proposed by
SA 714. Mr. BURR (for himself and
SA 712. Mr. SANDERS (for himself and
(3) SHORT TITLE.—This division may be
table of contents:
SEC. 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This division may be
table of contents:
(b) TABLE OF CONTENTS.—The table of con-
ents for this division is as follows:
SEC. 1. SHORT TITLE; TABLE OF CONTENTS.
414, 413, chapter 110;
(4) any obligation of the United States to
acquire flowage or other property rights for
additional reservoir storage pursuant to
Executive Order 6893 (12 Fed. Reg. 2447; relating
to the Grand River Dam Project);
(5) any authority of the Secretary to ac-
cquire real property interest pursuant to
section 560 of the Water Resources Development
378);
(6) any obligation of the Secretary to con-
duct and pay the cost of a feasibility study pursuant
to section 449 of the Water Re-
resources Development Act of 2000 (Public Law
106–541; 114 Stat. 2641);
(7) the National Flood Insurance Program
established under the National Flood Insur-
ance Act of 1968 (42 U.S.C. 4001 et seq.),
includ-
ing any policy issued under that Act; or
(8) any disaster assistance made available
under the Disaster Relief Act of 1974, the Flood
Disaster Relief and Emergency Assistance Act of
1985 (42 U.S.C. 5121 et seq.) or other Federal disaster
assistance program.

SA 712. Mr. SANDERS (for himself and
and Mrs. CAPITO) submitted an amendment
intended to be proposed by him to the bill S. 1790, to authorize appro-
ations for fiscal year 2020 for military activi-
ties of the Department of Defense, for military construction, and
for defense activities of the Depart-
ment 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 D of title III, add the following:
SEC. 342. REPORT ON FLUORINATED AQUEOUS
FILM FORMING FOAM.
Not later than one year after the date of
the enactment of this Act, the Secretary of
Defense shall submit to Congress a report on—
(1) the location and amount of the stock-
flourinated aqueous film forming foam in the possession of Depart-
ment of Defense that contains perfluorooctanoic acid (PFOA) or
perfluorooctane sulfonate (PFOS); and
(2) the amount of such foam that has been
destroyed during the 10-year period ending
of the date of the enactment of this Act and
the method and location of destruction.

DIVISION—INTELLIGENCE
AUTHORIZATIONS FOR FISCAL YEAR 2020
SEC. 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This division may be
cited as the “Damon Paul Nelson and Mat-
thew Young POLLARD INTELLIGENCE AUTHORIZA-
TIONS ACT for Fiscal Year 2020.”
(b) TABLE OF CONTENTS.—The table of con-
ents for this division is as follows:
SEC. 2. DEFINITIONS.
In this division:
(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).
(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 2020 for the conduct of the intelligence-related activities of the following elements of the United States Government:
(1) The Office of the Director of National Intelligence.
(2) The Central Intelligence Agency.
(3) The Department of Defense.
(4) The Defense Intelligence Agency.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Coast Guard.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Justice.
(13) The Drug Enforcement Administration.
(14) The National Reconnaissance Office.
(15) The National Geospatial-Intelligence Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.
(a) SPECIFICATIONS OF AMOUNTS.—The amounts of funds to be appropriated under section 101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.
(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS—
(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the House of Representatives, and to the President.
(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (1), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.
(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule:
(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3066(a));
(B) except to the extent necessary to implement the budget; or
(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.
(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2020 the sum of $558,000,000.
(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2020 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2020.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

SUBTITLE A—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.
The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.
Appropriations authorized by this division for salary, pay, retirement, and other benefits of the heads of Federal agencies may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 303. IMPROVING THE ONBOARDING METHODOLOGY FOR CERTAIN INTELLIGENCE PERSONNEL.
(a) DEFINITIONS.—In this section:
(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and
(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.
(2) COVERED ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The term “covered elements of the intelligence community” means the elements of the intelligence community that are within the following:
(A) The Department of Energy.
(B) The Department of Homeland Security.
(C) The Department of the Treasury.
(D) The Department of State.
(E) The Department of Justice.
(F) In GENERAL.—The Secretary of Defense and the Director of National Intelligence shall, consistent with Department of Defense Instruction 1400.25, as in effect on the day before the date of the enactment of this Act, (1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report that outlines a common methodology for measuring onboarding in covered elements of the intelligence community, including human resources and security processes; and
(2) not later than 1 year after the date of the enactment of this Act, issue metrics for onboarding in covered elements of the intelligence community, including for tracking personnel as they pass through each phase of the onboarding process; and
(3) not later than December 31, 2020, distribute surveys to human resources offices and applicants about their experiences with the onboarding process in covered elements of the intelligence community.

SEC. 304. INTELLIGENCE COMMUNITY PUBLIC–PRIVATE TALENT EXCHANGE.
(a) POLICY.—There is authorized to be appropriated, in addition to amounts otherwise required—
(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall develop policies, processes, and procedures to facilitate the rotation of personnel of the intelligence community to the private sector, and personnel from the private sector to the intelligence community.
(b) DETAIL AUTHORITY.—Under policies developed by the Director pursuant to subsection (a), with the agreement of a private-sector organization, and with the consent of the employee, a head of an element of the intelligence community may arrange for the temporary detail of an employee of such element to a private-sector organization, or from such private-sector organization to such element under this section.

(c) AGREEMENTS.—
(1) IN GENERAL.—A head of an element of the intelligence community exercising the authority of the Director for payment of all non-salary and benefit expenses of the detail, unless that failure was for good and sufficient reason, as determined by the head of the element; and
(2) contained language informing such employee of the prohibition on improperly sharing or using non-public information that such employee may be privy to or aware of related to element programming, budgeting, and the element’s authority of the head under subsection (a) to detail personnel from the private sector to the element, or elsewhere in the civil service if approved by the head of the element, for a period of at least equal to the length of the detail.

(2) AMOUNT OF LIABILITY.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

(3) WAIVER.—The head of an element of the intelligence community may waive, in whole or in part, collection of a debt described in paragraph (2) based on the agreement that the collection would be against equity and good conscience and not in the best interests of...
of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

(d) TERMINATION.—A detail under this section may be terminated at any time and for any reason as determined by the head of the element of the intelligence community concerned or the private-sector organization concerned.

(e) DURATION.—(1) IN GENERAL.—A detail under this section shall be for a period of not less than 3 months and not more than 2 years, renewable up to a total of 3 years.

(2) LONGER PERIODS.—A detail under this section may be for a period in excess of 2 years, but not more than 3 years, if the head of the element making the determination determines that such detail is necessary to meet critical mission or program requirements.

(3) LIMITATION.—No employee of an element of the intelligence community may be detailed under this section for more than a total of 5 years, inclusive of all such details.

(f) STATUS OF FEDERAL EMPLOYEES DETAINED TO PRIVATE-SECTOR ORGANIZATIONS.—

(1) IN GENERAL.—An employee of an element of the intelligence community who is detained to a private-sector organization under this section shall be considered, for the purposes of this section, to be on a regular work assignment in the element for all purposes.

(2) REQUIREMENTS.—In establishing a temporary detail of an employee of the intelligence community to a private-sector organization, the head of the element shall—

(A) certify that the temporary detail of such employee shall not have an adverse or negative impact on the mission, agency, or organizational capabilities associated with the detail; and

(B) in the case of an element of the intelligence community to a private-sector organization, the head of the element shall—

(i) certify that the intelligence community in the Department of Defense, ensure that the normal duties and functions of such employees are not, as a result of and during the course of such temporary detail, performed or augmented by contractor personnel in violation of the provisions of section 2661 of title 10, United States Code.

(g) TERMS AND CONDITIONS FOR PRIVATE-SECTOR EMPLOYEES.—An employee of a private-sector organization who is detailed to an element of the intelligence community under this section—

(1) shall continue to receive pay and benefits from the private-sector organization from which such employee is detailed and shall not receive pay or benefits from the element, except as provided in paragraph (2); and

(2) is deemed to be an employee of the element for the purposes of—

(A) sections 73 and 81 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 615, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act") and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(F) chapter 21 of title 41, United States Code;

(3) may perform work that is considered inherent in the element, and in nature only work that is requested in writing by the head of the element;

(4) may not be used to circumvent any limitation or restriction on the size of the workforce of the element;

(5) shall be subject to the same requirements applicable to employees performing the same functions and duties proposed for performance by the private sector employee; and

(6) in the case of an element of the intelligence community in the Department of Defense, may not be used to circumvent the provisions of section 2661 of title 10, United States Code.

(h) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge an element of the intelligence community or any other agency of the Federal Government, as direct costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee detailed to an element of the intelligence community under this section for the period of the detail and any subsequent renewal periods.

(i) ADDITIONAL ADMINISTRATIVE MATTERS.—In carrying out this section, the Director, pursuant to procedures developed under subsection (a)—

(1) shall, to the degree practicable, ensure that small business concerns are represented with respect to details authorized by this section;

(2) may, notwithstanding any other provision of law, establish best practices and processes for other elements of the Federal Government seeking to pursue similar policies.

(j) AUTHORIZATION OF PAID PARENTAL LEAVE FOR INTELLIGENCE COMMUNITY EMPLOYEES.—

(1) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 3071 et seq.) is amended by inserting after section 304 the following:

SEC. 305. PAID PARENTAL LEAVE.

(a) PURPOSE.—The purpose of this section is to—

(1) help the intelligence community recruit and retain a dynamic, multi-talented, and diverse workforce capable of meeting the security goals of the United States; and

(2) establish best practices and processes for other elements of the Federal Government seeking to pursue similar policies.

(b) AUTHORIZATION OF PAID PARENTAL LEAVE FOR INTELLIGENCE COMMUNITY EMPLOYEES.—

(1) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 3071 et seq.) is amended by inserting after section 304 the following:

SEC. 305. PAID PARENTAL LEAVE.

(a) PURPOSE.—Notwithstanding any other provision of law—

(1) an employee of an element of the intelligence community shall have available a total of 12 administrative workweeks of paid parental leave in the event of the birth of a son or daughter to the employee, or placement of a son or daughter with the employee for adoption or foster care, and in order to care for such son or daughter during the 12-month period beginning on the date of the birth or placement.

(b) TREATMENT OF PARENTAL LEAVE REQUEST.—Notwithstanding any other provision of law—

(1) an element of the intelligence community shall accommodate an employee's leave schedule request under subsection (a), including a request to use such leave intermittently or on a reduced leave schedule, to the extent that the requested leave schedule does not unduly disrupt agency operations; and

(2) to the extent that an employee's requested leave schedule conflicts with the provisions of paragraph (1) is based on medical necessity related to a serious health condition connected to the birth of a son or daughter, the employer shall handle the scheduling consistent with the treatment of employees who are using leave under subparagraph (C) or (D) of section 602(a)(1) of title 5, United States Code.

(c) RULES RELATING TO PAID LEAVE.—Notwithstanding any other provision of law—

(1) an employee may not be required to first exhaust all or any portion of any unpaid leave available to the employee before being allowed to use the paid parental leave described in subsection (a); and

(2) paid parental leave under subsection (a)—

(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing element;

(B) may not be considered to be annual or vacation leave for purposes of section 551 or 552 of title 5, United States Code, or for any other purpose;

(C) may not be available for any subsequent use and may not be converted into a cash payment;
“(D) may be granted only to the extent that the employee does not receive a total of more than 12 weeks of paid parental leave in any 12-month period beginning on the date of a birth or placement; and
“(E) may not be granted—
“(i) in excess of a lifetime aggregate total of 30 administrative workweeks based on placements of a foster child for any individual employee; or
“(ii) in connection with temporary foster care placements expected to last less than 1 year.
“(F) may not be granted for a child being placed for foster care or adoption if such leave was previously granted to the same employee or to the same child with the employee for foster care in the past;
“(G) shall be used in increments of hours (or fractions thereof), with 12 administrative workweeks equal to 480 hours for employees with a regular full-time work schedule and converted to a proportional number of hours for employees with part-time, seasonal, or uncommon tours of duty; and
“(H) may not be used during off-season (nonpay status) periods for employees with seasonal work schedules.
“(d) IMPLEMENTATION PLAN.—Not later than 1 year after the date of enactment of this section, the Director of National Intelligence shall provide the congressional intelligence committees an implementation plan that includes—
“(1) processes and procedures for implementing the paid parental leave policies under subsections (a) through (c);
“(2) an explanation of how the implementation of subsections (a) through (c) will be reconciled with policies of other elements of the Federal Government, including the impact on elements funded by the National Intelligence Program that are housed within agencies outside the intelligence community;
“(3) the projected impact of the implementation of subsections (a) through (c) on the workforce of the intelligence community, including take rates, retention, recruiting, and morale, broken down by each element of the intelligence community; and
“(4) all costs or operational expenses associated with the implementation of subsections (a) through (c).
“(e) DIRECTIVE.—Not later than 90 days after the date of enactment of the National Intelligence Authorization Act for Fiscal Year 2020, each head of an agency shall, acting on behalf of the agency—
“(1) publish in the Federal Register the procedures established pursuant to subsection (a); or
“(2) submit to Congress a certification that the procedures established pursuant to subsection (a) shall be the exclusive procedures by which decisions about eligibility for access to classified information are governed.
“(b) TRANSPARENCY.—Such section is further amended by adding at the end the following:

"(d) PUBLICATION.—
"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this title, the President shall—
"(A) publish in the Federal Register the procedures established pursuant to subsection (a); or
"(B) submit to Congress a certification that the procedures in effect that govern access to classified information as described in subsection (a)—
"(i) are published in the Federal Register; and
"(ii) comply with the requirements of subsection (a).
"(2) UPDATES.—Whenever the President makes a revision to a procedure established pursuant to subsection (a), the President shall publish such revision in the Federal Register not later than 30 days before the date on which the revision becomes effective.
"(c) CONSISTENCY.—
"(1) IN GENERAL.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended by inserting after section 801 the following:

"SEC. 801A. DECISIONS RELATING TO ACCESS TO CLASSIFIED INFORMATION.
"(a) DEFINITIONS.—In this section:
"(1) AGENCY.—The term 'agency' has the meaning given in the term 'Executive agency' in section 105 of title 5, United States Code.
"(2) CLASSIFIED INFORMATION.—The term 'classified information' includes sensitive compartmented information, restricted data, restricted handling information, and other compartmented information.
"(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term 'eligibility for access to classified information' has the meaning given such term in the procedures established pursuant to section 801(a).
"(4) NEED FOR ACCESS.—The term 'need for access to classified information' has the meaning given in section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)).
"(5) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—In this section:
"(1) AGENCY.—The term 'agency' has the meaning given in the term 'Executive agency' in section 105 of title 5, United States Code.
"(2) COVERED PERSON.—The term 'covered person' means a person, other than the President and Vice President, currently or formerly employed in, detailed to, assigned to, or issued an authorized conditional offer of employment for a position that requires access to classified information by an agency, including the following:
"(A) A member of the Armed Forces.
"(B) A civilian.
"(C) An expert or consultant with a contractual or personnel obligation to an agency.
"(D) Any other category of person who acts for or on behalf of an agency as determined by the head of the agency.
"(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term 'eligibility for access to classified information' has the meaning given such term in the procedures established pursuant to section 801(a).

"(4) RIGHT TO APPEAL.—
"(1) IN GENERAL.—Such title, as amended by subsection (c), is further amended by inserting after section 801A the following:

"SEC. 801B. RIGHT TO APPEAL.
"(a) DEFINITIONS.—In this section:
"(1) AGENCY.—The term 'agency' has the meaning given in the term 'Executive agency' in section 105 of title 5, United States Code.
"(2) COVERED PERSON.—The term 'covered person' means a person, other than the President and Vice President, currently or formerly employed in, detailed to, assigned to, or issued an authorized conditional offer of employment for a position that requires access to classified information by an agency, including the following:
"(A) A member of the Armed Forces.
"(B) A civilian.
"(C) An expert or consultant with a contractural or personnel obligation to an agency.
"(D) Any other category of person who acts for or on behalf of an agency as determined by the head of the agency.

"(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term 'eligibility for access to classified information' has the meaning given such term in the procedures established pursuant to section 801(a).
"(4) RIGHT TO APPEAL.—The term need for access to classified information has the meaning given such term in the procedures established pursuant to section 801(a).
"(5) SECURITY EXECUTIVE AGENT.—The term 'Security Executive Agent' means the officer serving as the Security Executive Agent pursuant to section 803.
"(6) AGENCY REVIEW.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Damon Paul Nelson and Matthew Young Pol- lar Security Intelligence Act for Fiscal Year 2020, each head of an agency shall, consistent with the interest of national security, establish and publish in the Federal Register a process by which a covered person to whom eligibility for access to classified information was denied or revoked by the agency can appeal that denial or revocation within the agency.
"(2) ELEMENTS.—The process required by paragraph (1) shall include the following:
"(A) in the case of a covered person to whom eligibility for access to classified information is denied or revoked by an agency, the following:
"(i) detailed explanation of the basis for the denial or revocation as the head of the agency determines is consistent with the interests of national security; and
"(ii) notice of the right of the covered person to a hearing and appeal under this subsection;
"(B) the head of the agency determines is consistent with the interests of national security;
(II) permitted by other applicable provisions of law, including—

(aa) section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’); and

(bb) section 552a of such title (commonly known as the ‘Privacy Act of 1974’); and

(cc) such other provisions of law relating to the protection of confidential sources and privacy of individuals.

(III) The covered person shall have the opportunity to retain counsel or other representative to represent the covered person’s interests.

(IV) Upon the request of the covered person, and a showing that the ability to review classified information is essential to the resolution of an appeal under this subsection, the covered person may request counsel to represent the covered person’s interests.

(V) The head of the agency shall make, as part of the security record of the covered person, a written summary, transcript, or recording of any appearance under item (aa) of subparagraph (A) of such subchapter.

(VI) On or before the date that is 30 days after the date on which the covered person receives copies of documents under clause (ii), the covered person may request a hearing of the decision to deny or revoke by filing a written appeal with the head of the agency.

(VII) A requirement that each review of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall ensure that each decision of the agency under this subsection is completed not later than 180 days after the date of the enactment of the National Security Executive Authority Act; and

(VIII) In reviewing any appeal under this subsection, the head of the covered person’s interests.

(C) COMPOSITION.—The panel established pursuant to subparagraph (A) shall be composed of three individuals selected by the Security Executive Agent for purposes of the panel, of whom at least one shall be an attorney.

(A) APPEALS.—

(I) WRITTEN.—Each decision of a panel established under subparagraph (A) or overturned pursuant to clause (iii) of this subparagraph shall be final but subject to appeal and review under subsection (b).

(II) TERMS.—A term of service on a panel established by the head of an agency under subparagraph (A) shall not exceed 2 years.

(III) REPRESENTATION BY COUNSEL.—

(A) IN GENERAL.—Each head of an agency shall ensure that each decision of the covered person appealing a decision of the head’s agency under this subsection has an opportunity to retain counsel or other representation at the cost of the covered person.

(B) ACCESS TO CLASSIFIED INFORMATION.—

(i) From the head of an agency or a panel established by the head of an agency under subsection (b), the covered person must be afforded access to relevant classified materials to the extent consistent with the interests of national security.

(ii) Extent of Access.—Counsel or another representative who is cleared for access under this subparagraph may be afforded access to relevant classified materials or other information for the limited purposes of such appeal.

(B) A requirement that each review of an appeal under this subsection a decision of an agency under this subsection and a showing that the ability to review classified information is essential to the resolution of the appeal under this subsection, the head of the agency shall ensure that each decision of the agency under this subsection is completed not later than 180 days after the date of the enactment of the National Security Executive Authority Act.

(C) COMPOSITION.—The panel established pursuant to subparagraph (A) shall be composed of three individuals selected by the Security Executive Agent for purposes of the panel, of whom at least one shall be an attorney.

(A) APPEALS.—

(I) WRITTEN.—Each decision of a panel established under subparagraph (A) or overturned pursuant to clause (iii) of this subparagraph shall be final but subject to appeal and review under subsection (b).

(II) TERMS.—A term of service on a panel established by the head of an agency under subparagraph (A) shall not exceed 2 years.

(III) REPRESENTATION BY COUNSEL.—

(A) IN GENERAL.—Each head of an agency shall ensure that each decision of the covered person appealing a decision of the head’s agency under this subsection has an opportunity to retain counsel or other representation at the cost of the covered person’s expense.

(B) ACCESS TO CLASSIFIED INFORMATION.—

(i) From the head of an agency or a panel established by the head of an agency under subsection (b), the covered person must be afforded access to relevant classified materials to the extent consistent with the interests of national security.

(ii) Extent of Access.—Counsel or another representative who is cleared for access under this subparagraph may be afforded access to relevant classified materials to the extent consistent with the interests of national security.

(B) CORRECTIVE ACTION.—

(A) IN GENERAL.—If, in the course of proceedings under this subsection, the head of an agency or a panel established by the head of an agency under paragraph (3) decides that a covered person’s eligibility for access to classified information was improperly denied or revoked by the agency, the agency shall take corrective action to remove the former determination, as nearly as practicable and reasonable, to the position such covered person would have held had the improper denial or revocation not occurred.

(B) COMPENSATION.—Corrective action under subparagraph (A) may include compensation, in an amount not to exceed $300,000, for any loss of wages or benefits suffered, or expenses otherwise incurred, by reason of such improper denial or revocation.

(C) PUBLICATION OF DECISIONS.—

(A) IN GENERAL.—Each head of an agency shall establish a panel to hear and review appeals under this subsection.

(B) REQUIREMENTS.—In order to ensure transparency, oversight by Congress, and meaningful information for those who need to understand how the clearance process works, each decision under subparagraph (A) shall be—

(i) made in a manner that is consistent with section 552 of title 5, United States Code, as amended by the Electronic Freedom of Information Act Amendments of 1996 (Public Law 104–231);

(ii) published to explain the facts of the case, redacting personally identifiable information and sensitive program information; and

(iii) made available on a website that is searchable by members of the public.

(D) NATURE OF REMANDS.—In remanding a decision under this paragraph, the head of an agency shall direct the outcome of any further appeal under subsection (b).
(P) NOTICE OF DECISIONS.—For each decision of the panel established under paragraph (1) regarding a covered person, the Security Executive Agent shall provide the covered person with a written notice of the decision that includes a detailed description of the reasons for the decision, consistent with the interests of national security and applicable law.

(4) REPRESENTATION BY COUNSEL.—

(A) IN GENERAL.—The Security Executive Agent shall ensure that, under this subsection, a covered person appealing a decision under subsection (b) has an opportunity to retain counsel or other representation at the covered person's expense.

(B) ACCESS TO CLASSIFIED INFORMATION.—

(1) IN GENERAL.—Upon the request of the covered person and a showing that the ability to understand the information is essential to the resolution of an appeal under this subsection, the Security Executive Agent shall afford access to classified information to the covered person and a showing that the ability to understand the information is essential to the resolution of an appeal under this subsection.

(2) FINALITY.—A determination under paragraph (1) shall be final and conclusive and may not be reviewed by any other official or by any court.

(3) REPORTING.—

(A) CASE-BY-CASE.—

(1) In each case in which the head of an agency determines that a procedure established under paragraph (1) that a procedure established under this section for the protection of a covered person, the head shall, not later than 30 days after the date on which the head makes such determination, submit to the Security Executive Agent a report stating the reasons for the determination.

(B) DURATION OF PROCEDURES FOR NATIONAL SECURITY INTEREST.—

(1) IN GENERAL.—If the head of an agency determines that a procedure established under this section cannot be made available to a covered person in an exceptional case without damaging a national security interest of the United States by revealing classified information, such procedure shall not be made available to such covered person.

(2) FINALITY.—A determination under paragraph (1) shall be final and conclusive and may not be reviewed by any other official or by any court.

(4) IN GENERAL.—Not less frequently than once each fiscal year, the head of an agency shall submit a report to the congressional intelligence committees a report stating the reasons for the determinations made under paragraph (2), disaggregated by agency.

(5) SUCH OTHER MATTERS AS THE SECURITY EXECUTIVE AGENT CONSIDERS APPROPRIATE.

(g) RELATIONSHIP TO SUITABILITY.—No person may use a determination of suitability to affect a determination of eligibility for access to classified information.

(h) PRESERVATION OF ROLES AND RESPONSIBILITIES UNDER EXECUTIVE ORDER 10865 and the Defense Office of Hearings and Appeals.—Nothing in this section shall be construed to diminish or otherwise affect the roles and responsibilities of the Department of Defense or the Defense Office of Hearings and Appeals under Executive Order 10865 (50 U.S.C. 4407), or successor regulations.

(i) RULE OF CONSTRUCTION RELATING TO CERTAIN OTHER PROVISIONS OF LAW.—This section and the processes and procedures established under this section shall not be construed to apply to paragraphs (6) and (7) of section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3121).

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 402) is amended by inserting after the item relating to section 3001 the following:

"Sec. 3001A. Right to appeal.

SEC. 312. LIMITATION ON TRANSFER OF NATIONAL SECURITY UNIVERSITY.

(a) LIMITATION.—Neither the Secretary of Defense nor the Director of National Intelligence may commence any activity to transfer the National Intelligence University out of the Defense Intelligence Agency until the Secretary and the Director jointly certify that the National Intelligence University has positively adjudicated its warning from the Middle States Commission on Higher Education and had its regional accreditation fully restored.

(2) The National Intelligence University will serve as the exclusive means by which advanced intelligence education is provided to personnel of the Defense Intelligence Agency.

(3) Military personnel will receive joint professional military education from a National Intelligence University located at a non-federal site.

(4) The Department of Education will allow the Office of the Director of National Intelligence to grant advanced educational degrees from the National Intelligence University.

(5) A governance model jointly led by the Director and the Secretary of Defense is in
place for the National Intelligence University.

(b) COST ESTIMATES.—(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ‘‘appropriate committees of Congress’’ means—
   (A) the congressional intelligence committees;
   (B) the Committee on Armed Services of the Senate; and
   (C) the Committee on Armed Services of the House of Representatives.

(2) IN GENERAL.—Before commencing any activity to transfer the National Intelligence University out of the Defense Intelligence Agency, by human read of Defense agency and the National Intelligence University shall jointly submit to the appropriate committees of Congress an estimate of the direct and indirect costs of operating the National Intelligence University and the costs of transferring the National Intelligence University to another agency.

(3) CONTENTS.—The estimate submitted under paragraph (2) shall include all indirect costs, including with respect to human resources, security, facilities, and information technology.

SEC. 313. IMPROVING VISIBILITY INTO THE SECURITY CLEARANCE PROCESS.

(a) DEFINITIONS.—In this section—
   (1) SECURITY EXECUTIVE AGENT.—The term ‘‘Security Executive Agent’’ means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 605 of division B.
   (b) POLICY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall issue a policy that requires the head of each Federal agency to create, not later than December 31, 2023, an electronic portal that can be used to request personnel and applicants for security clearances to view information about the status of an application for a security clearance and the average time required for each phase of the security clearance process.

SEC. 314. MAKING CERTAIN POLICIES AND EXECUTION PLANS RELATING TO PERSONNEL CLEARANCES AVAILABLE TO INDUSTRY PARTNERS.

(a) DEFINITIONS.—In this section:
   (1) NATIONAL INDUSTRIAL SECURITY PROGRAM.—The term ‘‘appropriate industry partner’’ means a contractor, licensee, or grantee (as defined in section 803 of the National Security Act of 1947, as added by section 605 of division B).
   (b) SHARING OF POLICIES AND PLANS REQUIRED.—Each head of a Federal agency shall share policies and plans relating to security clearances with appropriate industry partners directly affected by such policies and plans in a manner consistent with the protection of national security as well as the goals and objectives of the National Industrial Security Program administered pursuant to Executive Order 13239 (50 U.S.C. 3161 note; relating to the National Industrial Security Program) and the National Industrial Security Program shall jointly develop policies and procedures by which appropriate industry partners with proper security clearances and a need to know can have appropriate access to the policies and plans shared pursuant to subsection (a) that directly affect those industry partners.

Subtitle C—Inspector General of the Intelligence Community

SEC. 321. DETERMINATIONS.

In this subsection:

(1) WHISTLEBLOWER.—The term ‘‘whistleblower’’ means a person who makes a whistleblower disclosure.

(2) WHISTLEBLOWER DISCLOSURE.—The term ‘‘whistleblower disclosure’’ means a disclosure that is protected under section 1104 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).

SEC. 322. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.

(a) AUTHORITY TO CONVENE EXTERNAL REVIEW PANELS.—
   (1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall convene an external review panel to complete review a claim submitted by an individual under subsection (b), the Inspector General of the Intelligence Community concludes that the agency head has taken corrective action.

(b) MEMBERSHIP.—
   (1) COMPOSITION.—An external review panel convened under this subsection shall be composed of three members as follows:
      (i) The Inspector General of the Intelligence Community.
      (ii) The National Geospatial-Intelligence Agency.
      (iii) The Department of Energy.
      (v) The Department of Justice.
      (vi) The Department of State.
      (vii) The Department of Defense.
      (viii) The Director of National Intelligence.
      (ix) The Director of National Intelligence.
      (x) The Director of National Intelligence.
      (xi) The Director of National Intelligence.
      (xii) The Director of National Intelligence.
      (xiii) The Director of National Intelligence.
      (xiv) The Director of National Intelligence.
      (xv) The Director of National Intelligence.
      (xvi) The Director of National Intelligence.
      (xvii) The Director of National Intelligence.
      (xviii) The Director of National Intelligence.
      (xix) The Director of National Intelligence.
      (xx) The Director of National Intelligence.
      (xxi) The Director of National Intelligence.
      (xxii) The Director of National Intelligence.
      (xxiii) The Director of National Intelligence.
      (xxiv) The Director of National Intelligence.
      (xxv) The Director of National Intelligence.
      (xxvi) The Director of National Intelligence.
      (xxvii) The Director of National Intelligence.
      (xxviii) The Director of National Intelligence.
      (xxix) The Director of National Intelligence.
      (xxx) The Director of National Intelligence.
      (xxxi) The Director of National Intelligence.
      (xxxii) The Director of National Intelligence.
      (xxxiii) The Director of National Intelligence.
      (xxxiv) The Director of National Intelligence.
      (xxxv) The Director of National Intelligence.
      (xxxvi) The Director of National Intelligence.
      (xxxvii) The Director of National Intelligence.
      (xxxviii) The Director of National Intelligence.
      (xxxix) The Director of National Intelligence.
      (xli) The Director of National Intelligence.
      (xlii) The Director of National Intelligence.
      (xliii) The Director of National Intelligence.
      (xliv) The Director of National Intelligence.
      (xlv) The Director of National Intelligence.
      (xlvi) The Director of National Intelligence.
      (xlvii) The Director of National Intelligence.
      (xlviii) The Director of National Intelligence.
      (xlix) The Director of National Intelligence.
      (l) The Director of National Intelligence.
   (2) CONTENTS.—Subject to such limitation as the Inspector General of the Intelligence Community considers necessary to protect the privacy of an individual who has made a claim described in subsection (b), the two members selected by the Inspector General under paragraph (1) shall include, for the period covered by the report, the following:
(a) The determinations and recommendations made by the external review panels convened under this section,
(b) The responses of the heads of agencies that received the recommendations from the external review panels.

(2) Table of contents amendment.—The table of contents in the first section of the National Security Act of 1947 is amended by adding at the end the following new item:

```
Sec. 1105. Inspector General external review panel.
```

(b) Recommendation on addressing whistleblower complaints against inspectors general.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the congressional intelligence committees a recommendation on how to ensure that—

(A) a whistleblower in the intelligence community who has a complaint against an inspector general in the intelligence community and who alleges a reprisal, has available the agency adjudication and appellate review provided under section 104 of the National Security Act of 1947 (50 U.S.C. 3234); and

(B) any such whistleblower who has exhausted the applicable review process may request an external review panel and receive one, at the discretion of the Inspector General of the Intelligence Community.

(2) The recommendation submitted pursuant to paragraph (1) shall include the following:

(A) A discussion of whether and to what degree section 1105 of the National Security Act of 1947, as added by subsection (a)(1), provides appropriate authorities and mechanisms to provide an external review panel as described in paragraph (1) of this subsection and for the purposes described in such paragraph.

(B) Such recommendations for legislative or administrative action as the Inspector General may have with respect to providing an external review panel as described in paragraph (1) and for the purposes described in such paragraph.

SEC. 232. Harmonization of whistleblower processes and procedures.

(a) In General.—Not later than 270 days after the date of enactment of this Act, the Inspector General of the Intelligence Community, in coordination with the Intelligence Community Inspectors General Forum, shall make a recommendation applicable to all inspectors general of elements of the intelligence community, regarding the harmonization of instructions, policies, and directives relating to processes, procedures, and timelines for claims and appeals relating to allegations of personnel actions prohibited under section 104 of the National Security Act of 1947 (50 U.S.C. 3234) and the Inspector General’s authority to provide such instructions, policies, and directives.

(b) Transparency and protection.—In developing recommendations under subsection (a), the Inspector General of the Intelligence Community shall—

(1) develop and implement an oversight system whereby the Inspector General is provided with the following:

(A) All information relating to complaints by whistleblowers relating to the programs and activities under the jurisdiction of the Director of National Intelligence.

(B) Any inspector general actions relating to such complaints.

(c) Privacy protections.—

(1) Policies and procedures required.—Before establishing the system required by subsection (b), the Inspector General of the Intelligence Community shall establish policies and procedures to protect the privacy of whistleblowers and protect against further dissemination of whistleblower information without consent of the whistleblower.

(2) Distribution.—The system established under subsection (b) shall provide whistleblowers the option of prohibiting distribution of their complaints to the Inspector General of the Intelligence Community.


(a) Report required.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on access to cleared attorneys by whistleblowers in the intelligence community.

(b) Contents.—The report submitted pursuant to subsection (a) shall include the following:

(1) The number of whistleblowers in the intelligence community who sought to retain a cleared attorney and at what stage they sought such an attorney.

(2) For the 3-year period preceding the report, the following:

(A) The number of limited security agreements (LSAs).

(B) The scope and clearance levels of such limited security agreements.

(C) The number of whistleblowers represented by cleared counsel.

(3) Recommendations for legislative or administrative action that ensure that whistleblower in the intelligence community have access to cleared attorneys, including improvements to the limited security agreements established as part of the clearance process.

(4) How increased requirements could be imposed in unclassified form, but may include a classified annex.

SEC. 234. Intelligence Community oversight of agency whistleblower programs.

(a) Feasibility study.—

(1) In General.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in consultation with the Intelligence Community Inspectors General Forum, shall complete a feasibility study on establishing a hot line or whistleblower program to protect whistleblowers relating to the intelligence community that are automatically referred to the Inspector General of the Intelligence Community.

(2) Elements.—The feasibility study conducted pursuant to paragraph (1) shall include the following:

(A) The anticipated number of annual whistleblower complaints received by all elements of the intelligence community.

(B) The internal policies and procedures required to implement the hotline, including personnel and technology.

(C) The resulting budgetary effects.

(D) Findings from the system established pursuant to subsection (b).

(b) Oversight system required.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall establish a system whereby the Inspector General is provided in near real time with—

(1) All information relating to complaints by whistleblowers relating to the programs and activities under the jurisdiction of the Director of National Intelligence.

(2) Any inspector general actions relating to such complaints.

(c) Privacy protections.—

(1) Policies and procedures required.—Before establishing the system required by subsection (b), the Inspector General of the Intelligence Community shall establish policies and procedures to protect the privacy of whistleblowers and protect against further dissemination of whistleblower information without consent of the whistleblower.

(2) Distribution.—The system established under subsection (b) shall provide whistleblowers the option of prohibiting distribution of their complaints to the Inspector General of the Intelligence Community.


(a) Study.—The Director of National Intelligence, in coordination with the Secretary of Defense and the Secretary of State, shall conduct a study of matters relating to the foreign employment of former personnel of the intelligence community.

(b) Elements.—The study conducted pursuant to subsection (a) shall address the following:

(1) Issues that pertain to former employees of the intelligence community working with, for, on behalf of, or associated with foreign governments, and the nature and scope of those concerns.

(2) Such legislative or administrative action as may be necessary for both front-end screening and in-progress oversight by the Director of Defense Trade Controls of licenses issued by the Director for former employees of the intelligence community working for foreign governments.

(3) How increased requirements could be imposed for periodic compliance reporting when licenses are granted for companies or organizations that employ former personnel of the intelligence community to execute contracts with foreign governments.

(b) Report and plan.—

(1) Definition of appropriate committees of Congress.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) In general.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress—

(A) a report on the findings of the Director with respect to the study conducted pursuant to subsection (a); and

(B) a plan to carry out such administrative action as the Director considers appropriate pursuant to the findings described in subparagraph (A).

SEC. 402. Comprehensive economic assessment of investment in key United States technologies by companies or organizations linked to China.

(a) Assessment required.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the National Counterintelligence and Security Center, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Secretary of the Treasury, and the heads of such other Federal agencies as the Director of National Intelligence considers appropriate, shall submit to the congressional intelligence committees a comprehensive economic assessment of investment in key United States technologies, including emerging technologies, by companies or organizations linked to China, including the implications of these investments for the national security of the United States.

(b) Form of assessment.—The assessment submitted pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.
SEC. 403. ANALYSIS OF AND PERIODIC BRIEFINGS ON MAJOR INITIATIVES OF INTELLIGENCE COMMUNITY IN ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.

(a) ANALYSIS.—
(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate—
(A) complete a comprehensive analysis of the major initiatives of the intelligence community in artificial intelligence and machine learning, and provide a plan for their further development and implementation; and
(B) submit to the congressional intelligence committees a report on the findings of the Director with respect to the analysis conducted pursuant to subparagraph (A).

(b) BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, the Director shall provide a briefing to the congressional intelligence committees and congressional defense committees on the Director's analysis and plan provided pursuant to paragraph (a).

(c) AUTHORITY TO FACILITATE ESTABLISHMENT OF SOCIAL MEDIA DATA ANALYSIS CENTER.—
(1) AUTHORITY.—The Director of National Intelligence, in coordination with the Secretary of Defense, may facilitate, by grant or contract or under an existing authority of the Director, the establishment of a Social Media Data Analysis Center with the functions described in paragraph (2) at an independent, nonprofit organization.

(2) FUNCTIONS.—The functions described in this paragraph are the following:
(A) Acting as a central coordinating and facilitating authority for social media data analysis of foreign threat networks involving social media companies and third-party platforms; government data; journalists, federally funded research and development centers, and academic research centers; and private social media platforms.

(B) Facilitating analysis within and across the individual social media platforms for the purpose of detecting, exposing, and countering foreign threat networks operating within and across social media platforms, and working with the Office of the Director of National Intelligence as appropriate.

(C) Determining and making public criteria for identifying which companies, organizations, or researchers qualify for inclusion in the activities and for inviting entities that fit the criteria to join.

(D) Determining jointly with the social media companies what data and metadata related to the indicators and indicators of foreign threat networks from their platforms and business operations will be made available for access and analysis.

(E) Developing and making public the criteria and standards that must be met for companies, other organizations, and individual researchers to access and analyze data relating to foreign adversary threat networks within and across social media platforms and publish or otherwise use the results.

(F) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms and of the proprietary information of the social media companies.

(G) Developing technical, contractual, and procedural controls to prevent misuse of data, including any necessary auditing procedures, compliance checks, and review mechanisms.

(H) Developing and making public criteria and conditions under which the Center shall share information with the appropriate Government agencies regarding threats to national security from, or violations of the law involving, foreign activities on social media platforms.

(4) These information warfare operations continue to evolve and increase in sophistication.

(5) Other foreign adversaries and hostile non-state actors increasingly adopt similar tactics of deploying information warfare operations against the West.

(6) Technological advances, including artificial intelligence, will make it more difficult in the future to detect fraudulent accounts, deceptive material posted on social media, and malign behavior on social media platforms.

(7) Because these information warfare operations are deployed within and across private social media companies, companies, other organizations, and individual researchers qualify for inclusion in the activities and for inviting entities that fit the criteria to join.

(8) Independent analyses confirm Kremlin-linked threat networks, based on data provided by several social media companies to the National Intelligence Directorate of the Office of the Director of National Intelligence, in coordination with the Joint Artificial Intelligence Center (JAIC) and Project Maven; and

(9) Linguistically sophisticated and adept at rapidly analyzing large amounts of data and developing software-based solutions to diverse and ever-changing challenges on their platforms, which makes them well-equipped to address the threat occurring on their platforms.

(10) General Paul Nakasone, Director of the National Security Agency, emphasizing the importance of these independent analyses to the planning and conduct of military cyber operations to frustrate Kremlin-linked information warfare operations against the United States prior to the 2018 mid-term elections. General Nakasone stated that the reports were very helpful in terms of being able to understand exactly what our adversary was trying to do to build distrust within our nation.

(11) Institutionalizing ongoing robust, independent, and vigorous analysis of data related to foreign threat networks within and across social media platforms will deter and counter ongoing information warfare operations against the United States, its allies, and partners.

(12) Archiving and disclosing to the public the results of these analyses by the social media companies and trusted third-party experts in a transparent manner will serve to demonstrate that the social media companies are detecting and removing foreign malign activities from their platforms while protecting the privacy of the people of the United States and will build public understanding of the scale and scope of these foreign adversary threat networks, since exposure is one of the most effective means to build resilience.

(b) FINDINGS.—Congress makes the following findings:
(1) The Russian Federation, through military intelligence units, also known as the "GRU", and Kremlin-linked troll organizations often referred to as the "Internet Research Agency", deploy information warfare operations against the United States, its allies, and partners, with the goal of advancing the strategic interests of the Russian Federation.

(2) One line of effort deployed as part of these information warfare operations is the weaponization of social media platforms with the goals of intensifying societal tensions, undermining trust in governmental institutions within the United States, its allies, and partners in the West, and generally sowing division, fear, and confusion.

(3) These information warfare operations are a Foreign Intelligence Surveillance Act within the United States and that of the allies and partners of the United States. As Director of National Intelligence Dan Coats stated, “These activities, are designed to undermine America’s democracy.”

(4) The United States and its allies and partners must be well-positioned to address foreign adversary threat networks within and across their platforms, and these efforts could be conducted without direct Government involvement, direction, or regulation.

(5) If the social media industry fails to take sufficient action to address foreign adversary threat networks operating within or across their platforms, Congress would have to revisit whether and how to require that finding that this threat is effectively mitigated.

(6) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate—
(A) complete a comprehensive analysis of the major initiatives of the intelligence community in artificial intelligence and machine learning, and provide a plan for their further development and implementation; and
(B) submit to the congressional intelligence committees a report on the findings of the Director with respect to the analysis conducted pursuant to subparagraph (A).

(c) AUTHORITY TO FACILITATE ESTABLISHMENT OF SOCIAL MEDIA DATA ANALYSIS CENTER.—
(1) AUTHORITY.—The Director of National Intelligence, in coordination with the Secretary of Defense, may facilitate, by grant or contract or under an existing authority of the Director, the establishment of a Social Media Data Analysis Center with the functions described in paragraph (2) at an independent, nonprofit organization.

(2) FUNCTIONS.—The functions described in this paragraph are the following:
(A) Acting as a central coordinating and facilitating authority for social media data analysis of foreign threat networks involving social media companies and third-party platforms; government data; journalists, federally funded research and development centers, and academic research centers; and private social media platforms.

(B) Facilitating analysis within and across the individual social media platforms for the purpose of detecting, exposing, and countering foreign threat networks operating within and across social media platforms, and working with the Office of the Director of National Intelligence as appropriate.

(C) Determining and making public criteria for identifying which companies, organizations, or researchers qualify for inclusion in the activities and for inviting entities that fit the criteria to join.

(D) Determining jointly with the social media companies what data and metadata related to the indicators and indicators of foreign threat networks from their platforms and business operations will be made available for access and analysis.

(E) Developing processes to share information from government entities on foreign influence operations with the individual social media companies to inform threat analysis, and working with the Office of the Director of National Intelligence as appropriate.

(F) Developing and making public the criteria and standards that must be met for companies, other organizations, and individual researchers to access and analyze data relating to foreign adversary threat networks within and across social media platforms and publish or otherwise use the results.

(G) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms and of the proprietary information of the social media companies.

(H) Developing technical, contractual, and procedural controls to prevent misuse of data, including any necessary auditing procedures, compliance checks, and review mechanisms.

(I) Developing and making public criteria and conditions under which the Center shall share information with the appropriate Government agencies regarding threats to national security from, or violations of the law involving, foreign activities on social media platforms.
SEC. 405. OVERSIGHT OF FOREIGN INFLUENCE IN ACADEMIA.

(a) DEFINITIONS.—In this section:

(1) COVERED HIGHER EDUCATION.—The term ‘covered institution of higher education’ means an institution described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that receives Federal funds in any amount and for any purpose.

(2) SENSITIVE RESEARCH SUBJECT.—The term ‘sensitive research subject’ means a subject of research that is carried out at a covered institution of higher education that receives funds that were appropriated for—

(A) the National Intelligence Program;

(B) any Federal agency the Director of National Intelligence deems appropriate.

(b) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence, in consultation with such elements of the intelligence community as the Director determines pose a counterintelligence threat to United States persons, shall submit to congressional intelligence committees a report on risks to sensitive research subjects posed by foreign intelligence entities in order to provide Congress and covered institutions of higher education with information on these risks and to help ensure academic freedom.

(c) CONTENTS.—The report required by subsection (b) shall include the following:

(1) A list of sensitive research subjects that could affect national security.

(2) A list of foreign entities, including government-controlled organizations and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a counterintelligence, espionage (including economic espionage), or other national security threats with respect to sensitive research subjects.

(3) A list of any known or suspected attempts by foreign entities to exert pressure on covered institutions of higher education, including attempts to limit freedom of speech, propaganda, misdirection or disinformation, or to influence professors, researchers, or students.

(d) RECOMMENDATIONS.—In preparing a report under subsection (b), the Director shall include recommendations for collaboration between covered institutions of higher education and the intelligence community to mitigate threats to sensitive research subjects associated with foreign influence in academia, including any necessary legislative or administrative action.

(e) CONGRESSIONAL NOTIFICATIONS REQUIRED.—Not later than 30 days after the date on which the Director identifies a change to either list described in paragraph (1) or (2) of subsection (c), the Director shall notify the congressional intelligence committees of the change.

SEC. 406. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON FIFTH-GENERATION WIRELESS NETWORK TECHNOLOGY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the threat to United States national security posed by the global and regional adoption of fifth-generation (5G) wireless network technology built by foreign companies; and

(2) the effect of possible efforts to mitigate the threat.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) The role of global and regional adoption of foreign fifth-generation wireless network technology.

(2) The implications of such global and regional adoption on the cyber and espionage threat to the United States and United States interests as well as to United States cyber infrastructure.

(3) The effect of possible mitigation efforts, including—

(A) United States Government policy prohibiting or regulating untrusted fifth-generation wireless network technology.

(B) United States Government policy promoting open-source implementation of fifth-generation wireless network technology.

(C) United States Government subsidies or incentives that could be used to promote the adoption of secure fifth-generation wireless network technology developed by companies of the United States or companies of allies of the United States.

(D) United States Government strategy to reduce foreign influence and political pressure in international standard-setting bodies.

(4) A classified appendix to this report.

SEC. 407. ANNUAL REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES ON CYBERSECURITY AND SURVEILLANCE THREATS TO CONGRESS.

(a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the enactment of this Act and not less frequently than once each year thereafter, the Comptroller General of the United States shall submit to the congressional intelligence committees a report on cybersecurity and surveillance threats to Congress.

(b) STATISTICS.—Each report submitted under subsection (a) shall include statistics on cyber attacks and other incidents of espionage or surveillance targeted against Senators or the immediate family members or staff of the Senators, in which the nonpublic communications and other private information of such targeted individuals were lost, stolen, or otherwise subject to unauthorized access by criminals or a foreign government.

(c) CONSULTATION.—In preparing a report to be submitted under subsection (a), the Comptroller General shall consult with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary at Arms and Doorkeeper of the Senate.

SEC. 408. DIRECTOR OF NATIONAL INTELLIGENCE ASSESSMENTS OF FOREIGN INTERFERENCE IN ELECTIONS.

(a) ASSESSMENTS.—Not later than 45 days after the conclusion of a United States election, the Director of National Intelligence, in consultation with the heads of such other executive departments and agencies as the Director considers appropriate, shall—

(1) conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in that election; and

(2) transmit the findings of the Director with respect to the assessment conducted under paragraph (1), along with such supporting information as the Director considers appropriate, to the following:

(A) The President.

(B) The Secretary of State.

(C) The Secretary of the Treasury.

(D) The Secretary of Defense.

(E) The Attorney General.

(F) The Secretary of Homeland Security.

(G) Congress.

(b) ELEMENTS.—An assessment conducted under subsection (a)(1), with respect to an
act described in such subsection, shall identify, to the maximum extent ascertainable, the following:
(1) The nature of any foreign interference and any methods employed to execute the act.
(2) The persons involved.
(3) The foreign government or governments that authorized, directed, sponsored, or supported the act.

(c) Publication.—In a case in which the Director conducts an assessment under subsection (a)(1) with respect to an election, the Director shall, as soon as practicable after the date of the conclusion of such election and not later than 60 days after the date of such conclusion, make available to the public, to the greatest extent possible consistent with the protection of sources and methods, the findings transmitted under subsection (a)(2).

SEC. 409. STUDY ON FEASIBILITY AND ADVISABILITY OF ESTABLISHING GEOSPATIAL-INTELLIGENCE MUSEUM AND LEARNING CENTER.

(a) Study Required.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall complete a study on the feasibility and advisability of establishing a Geospatial-Intelligence Museum and learning center.

(b) Elements.—The study required by subsection (a) shall include the following:
(1) Identifying the costs, opportunities, and challenges of establishing the museum and learning center as described in such subsection.
(2) Developing recommendations concerning such establishment.

(3) Identifying and reviewing lessons learned from the establishment of the Cyber Center for Education and Innovation housed in the National Cryptologic Museum under section 778a(a) of title 10, United States Code.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101 of title 10, United States Code) a report on the findings of the Director with respect to the study completed under subsection (a).

SEC. 410. REPORT ON DEATH OF JAMAL KHASHOGGI.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the death of Jamal Khashoggi, consistent with protecting sources and methods. Such report shall include identification of those who carried out, participated in, ordered, or were otherwise complicit in or responsible for the death of Jamal Khashoggi.

(b) Form.—The report submitted under subsection (a) shall be submitted in unclassified form.

DIVISION—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018 AND 2019

SEC. 1. SHORT TITLE: TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the “Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019”.

(b) Table of Contents.—The table of contents for this division is as follows:

DIVISION—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018 AND 2019

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES
Sec. 101. Authorization of appropriations.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM
Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS
Sec. 301. Restriction on conduct of intelligence activities.
Sec. 302. Increase in employee compensation and benefits authorized by law.
Sec. 303. Modification of special pay authority for science, technology, engineering, or mathematics positions and addition of special pay authority for cyber positions.
Sec. 304. Modification of appointment of Chief Information Officer of the Intelligence Community.
Sec. 305. Director of National Intelligence review of placement of positions within the intelligence community on the Executive Schedule.
Sec. 306. Supply Chain and Counterintelligence Risk Management Task Force.
Sec. 307. Consideration of adversarial telecommunications and cybersecurity infrastructure when sharing intelligence with foreign governments and entities.
Sec. 308. Cyber protection support for personnel of the intelligence community in positions highly vulnerable to cyber attack.
Sec. 309. Modification of authority relating to management of supply-chain risk.
Sec. 310. Limitations on determinations regarding certain security clearances.
Sec. 311. Joint Intelligence Community Council.
Sec. 312. Intelligence community information technology environment.
Sec. 313. Report on development of secure mobile voice solution for intelligence community.
Sec. 314. Policy on minimum insider threat standards.
Sec. 315. Strategic intelligence community policies.
Sec. 316. Expansion of intelligence community recruitment efforts.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence
Sec. 401. Authority for protection of current and former employees of the Office of the Director of National Intelligence.
Sec. 402. Designation of the program manager for information sharing environment.
Sec. 403. Additional protection of the executive schedule.
Sec. 404. Chief Financial Officer of the Intelligence Community.
Sec. 405. Principal Financial Officer of the Intelligence Community.
Sec. 406. Chief Information Officer of the Intelligence Community.

Subtitle B—Central Intelligence Agency
Sec. 411. Central Intelligence Agency personnel assigned to austere locations.
Sec. 412. Expansion of security protective service jurisdiction of the Central Intelligence Agency.

Sec. 413. Repeal of foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.

Subtitle C—Office of Intelligence and Counterintelligence of Department of Energy
Sec. 421. Consolidation of Department of Energy Offices of Intelligence and Counterintelligence.
Sec. 422. Reorganization of Department of Energy Intelligence Executive Committee and budget reporting requirements.

Subtitle D—Other Elements
Sec. 432. Notice not required for private entities.
Sec. 433. Framework for roles, missions, and functions of Defense Intelligence Agency.
Sec. 434. Establishment of advisory board for National Reconnaissance Office.
Sec. 435. Collocation of certain Department of Homeland Security personnel at field locations.

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

TITLE VI—SECURITY CLEARANCES
Sec. 601. Definitions.
Sec. 602. Reports and plans relating to security clearances and background investigations.
Sec. 603. Improving the process for security clearances.
Sec. 604. Goals for promptness of determinations regarding security clearances.
Sec. 605. Security Executive Agent.
Sec. 607. Report on clearance in person concept.
Sec. 608. Budget request documentation on funding for background investigations.
Sec. 609. Reports on reciprocity for security clearances inside of departments.
Sec. 610. Intelligence community reports on security clearances.
Sec. 611. Periodic report on positions in the intelligence community that can be conducted without access to classified information, United States. 

Sec. 612. Information sharing program for positions of trust and security clearances. 

Sec. 613. Report on protections for confidential whistleblower-related communications. 

TITLE VII—REPORTS AND OTHER MATTERS

Subtitle A—Matters Relating to Russia and Other Foreign Powers

Sec. 701. Limitation relating to establishment or support of cybersecurity unit with the Russian Federation. 

Sec. 702. Report on returning Russian compounds. 

Sec. 703. Assessment of threat finance relating to Russia. 

Sec. 704. Notification of an active measures campaign. 


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

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

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

Sec. 709. Expansion of scope of committee to counteractive measures and report on establishment of Foreign Malign Influence Center. 

Subtitle B—Reports

Sec. 710. Technical correction to Inspector General study. 


Sec. 712. Report on cyber exchange program. 

Sec. 714. Report by the director of the intelligence community whistleblower matters. 

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


Sec. 717. Biennial report on foreign investment risks. 

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

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

Sec. 720. Congressional notification of designation of covered intelligence officers. 

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

Sec. 722. Inspectors General reports on classified. 

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

Sec. 724. Annual report on memoranda of understanding between elements of intelligence community and other entities of the United States Government regarding significant operational activities or policy. 

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

Sec. 726. Modification of requirement for annual report on hiring and retention of intelligence community personnel. 

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

Sec. 728. Repeal of certain reporting requirements. 


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

Sec. 731. Intelligence assessment of North Korean nuclear resources. 


Subtitle C—Other Matters

Sec. 734. Public Interest Declassification Board. 

Sec. 742. Securing energy infrastructure. 

Sec. 743. Bug bounty programs. 

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


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

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

Sec. 748. Sense of Congress on consideration of information when considering whether or not to provide visas to foreign individuals to be accredited to a United Nations mission in the United States. 

Sec. 749. Sense of Congress on WikiLeaks. 

SEC. 2. DEFINITIONS. 

In this division: 

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ‘‘congressional intelligence committees’’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003). 

(2) INTELLIGENCE COMMUNITY.—The term ‘‘intelligence community’’ has the meaning given such term in such section. 

TITLE I—INTELLIGENCE ACTIVITIES 

SEC. 101. AUTHORIZATION OF APPROPRIATIONS. 

(a) FISCAL YEAR 2019.—Funds are hereby authorized to be appropriated for fiscal year 2019 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government: 

(1) The Office of the Director of National Intelligence. 

(2) The Central Intelligence Agency. 

(3) The Department of Defense. 

(4) The Defense Intelligence Agency. 

(5) The National Geospatial-Intelligence Agency. 

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force. 

(7) The Coast Guard. 

(8) The Department of State. 

(9) The Department of the Treasury. 

(10) The Department of Energy. 

(11) The Department of Justice. 


(13) The Drug Enforcement Administration. 

(14) The National Reconnaissance Office. 

(15) The National Geospatial-Intelligence Agency. 

(b) FISCAL YEAR 2018.—Funds that were appropriated for fiscal year 2018 for the conduct of the intelligence and intelligence-related activities of the elements of the United States set forth in subsection (a) are hereby authorized. 

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS. 

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101. are those specified in the classified Schedule of Authorizations prepared to accompany this division. 

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.— 

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. 

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch. 

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except— 

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3308(a)); 

(B) to the extent necessary to implement the budget; or 

(C) as otherwise required by law. 

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT. 

(a) AUTHORIZATION OF APPROPRIATIONS.— 

There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2019 the sum of $22,424,000. 

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account, for fiscal year 2019 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). 

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM 

SEC. 201. AUTHORIZATION OF APPROPRIATIONS. 

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2019. 

SEC. 202. COMPUTATION OF ANNUITIES FOR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY. 

(a) COMPUTATION OF ANNUITIES.— 

(1) IN GENERAL.—Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2331) is amended— 

(A) in subsection (a)(3)(B), by striking the period at the end and inserting ‘‘, as determined by using the average rate of basic pay that would be payable for full-time service in that position.’’; 

...
(b) in subsection (b)(1)(C)(i), by striking “12-month” and inserting “2-year”;

(c) in subsection (f)(2), by striking “one year” and inserting “two years”;

(D) in subsection (i)(2), by striking “one year” each place such term appears and inserting “two years”;

(E) by redesignating subsections (h), (i), (k), and (l) as subsections (l), (j), (k), and (m), respectively; and

(F) by inserting after subsection (g) the following:

“(1) ADDITIONAL ELECTION OF INSURABLE INTEREST SURVIVOR ANNUITY BY PARTICIPANTS MARRIED AT THE TIME OF RETIREMENT.—

(1) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under subsection (b) and section 222, at the time of retirement or death of a married participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subsection (f)(1)(B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant’s death, except that any such election to provide an interest survivor annuity to the participant’s spouse shall only be effective if the participant’s spouse waives the spousal right to a survivor annuity under this Act. The amount of the annuity shall be equal to 55 percent of the participant’s reduced annuity.

(2) REDUCTION IN PARTICIPANT’S ANNUITY.—The amount of the participant’s annuity fixing such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

“(2) RECOMPUTATION OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

“(4) RECOMPUTATION OF PARTICIPANT’S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity that is reduced under this subsection shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity were not reduced.”

(2) CONFORMING AMENDMENTS.—

(A) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—The Central Intelligence Agency Retirement Act (50 U.S.C. 2032 et seq.) is amended—

(i) in section 232(b)(1) (50 U.S.C. 2032(b)(1)), by striking “221(h),” and inserting “221(i),”;

(ii) in section 252(b)(4) (50 U.S.C. 2082(b)(4)), by striking “221(i)” and inserting “221(i).”;

(B) CENTRAL INTELLIGENCE AGENCY ACT OF 1989.—Section 14 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3513(a)) is amended by striking “221(h),” and inserting “221(i),”.

(C) ANNUITIES FOR FORMER SPOUSES.—Subparagraph (B) of section 222(b)(6) of the Central Intelligence Retirement Act (50 U.S.C. 2032(b)(6)) is amended by striking “one year” and inserting “two years”;

(D) PRIOR SERVICE CREDIT.—Subparagraph (A) of section 14 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2032(b)(3)(A)) is amended by striking “October 1, 1998, or such other date as the Director may designate,” and inserting “March 1, 1991.”

(D) EMPLOYMENT COMPENSATION.—Section 273 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2133) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) PART-TIME EMPLOYED ANNUITANTS.—The Director shall have the authority to prescribe a part-time employment basis in accordance with section 5394(c)(1) of title 5, United States Code.”;

(e) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a) may apply to subsection (c)(1)(A) and subsection (c) shall take effect as if enacted on October 28, 2009, and shall apply to computations for participants, respectively, as of such date.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation and benefits authorized by law.

SEC. 303. MODIFICATION OF SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSITIONS AND ADDITION OF SPECIAL PAY AUTHORITY FOR CYBER Positions.

Section 118 of the National Security Act of 1947 (50 U.S.C. 3049a) is amended—

(1) by amending subsection (a) to read as follows:

“(a) SPECIAL RATES OF PAY FOR POSITIONS REQUIRING EXPERTISE IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

“(1) IN GENERAL.—Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may, for 1 or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics—

“(A) establish higher minimum rates of pay;

“(B) make corresponding increases in all rates of pay of the pay range for each grade or level, subject to subsection (b) or (c), as applicable;

“(2) TREATMENT.—The special rate supplement resulting from the establishment of higher rates under paragraph (1) shall be basic pay for the same or similar purposes as those specified in section 5305 of title 5, United States Code.”;

(2) by redesigning subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

“(b) SPECIAL RATES OF PAY FOR CYBER POSITIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (c), the Director of the National Security Agency may establish a special rate of pay—

“(A) not to exceed the rate of basic pay payable for level II of the Executive Schedule; and

“(B) may not exceed the rate of basic pay payable for the Vice President of the United States under section 104 of title 3, United States Code, if the Director certifies to the Secretary of Defense, by name, individuals that have advanced skills and competencies and that perform critical functions that execute the cyber mission of the Agency;

“(2) PAY LIMITATION.—Employees receiving a special rate under paragraph (1) shall be subject to an aggregate pay limitation that parallels the limitation established in section 5307 of title 5, United States Code, except that—

“(A) any allowance, differential, bonus, award, or other similar payment in addition to basic pay that is authorized under title 10, United States Code, or any other applicable law in addition to title 5 of such Code, excluding the limitation established in section 5307 of title 5, United States Code, except that—

“(A) any allowance, differential, bonus, award, or other similar payment in addition to basic pay that is authorized under title 10, United States Code, or any other applicable law in addition to title 5 of such Code, excluding the limitation established in section 5307 of title 5, United States Code, except that—

“(B) aggregate compensation may not exceed the rate established for the Vice President of the United States under section 104 of title 3, United States Code.

“(3) LIMITATION ON NUMBER OF RECIPIENTS.—The number of individuals who receive basic pay established under paragraph (1)(B) may not exceed 100 at any time.

“(4) LIMITATION ON NUMBER OF RECIPIENTS AS COMPARATIVE REFERENCE.—Notwithstanding any other provision of law, special rates of pay and the limitation established under paragraph (1)(B) may not be used as a basis for determining the rate of basic pay or the maximum pay limitations of qualified positions under section 5306 of title 5, United States Code, or section 206 of the Homeland Security Act of 2002 (6 U.S.C. 147).”;

(4) in subsection (c), as redesignated by paragraph (2), by striking “A minimum” and inserting “Except as provided in subsection (b), a minimum”;

(5) in subsection (d), as redesignated by paragraph (2), by inserting “or (b)” after “subsection (a)”;

(6) in subsection (g), as redesignated by paragraph (2), by striking “Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2017 and inserting “Not later than 90 days after the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2016 and 2017”;

(B) in paragraph (2)(A), by inserting “or (b)” after “subsection (a)”.

SEC. 304. MODIFICATION OF APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 1000(a) of the National Security Act of 1947 (50 U.S.C. 3022(a)) is amended by striking “President” and inserting “Dircetor”.

SEC. 305. DIRECTOR OF NATIONAL INTELLIGENCE REVIEW OF PLACEMENT OF POSITIONS WITHIN THE INTELLIGENCE COMMUNITY ON THE EXECUTIVE SCHEDULE.

(a) REVIEW.—The Director of National Intelligence, in coordination with the Director of the Office of Personnel Management, shall conduct a review of positions within the intelligence community regarding the placement of such positions on the Executive Schedule under chapter II of chapter 53 of title 5, United States Code. In carrying out such review, the Director of National Intelligence, in coordination with the Director of the Office of Personnel Management, shall determine—

(1) the standards under which such review will be conducted;

(2) which positions should or should not be on the Executive Schedule; and
(3) for those positions that should be on the Executive Schedule, the level of the Executive Schedule at which such positions should be placed.

(b) Report.—Not later than 60 days after the date on which the review under subsection (a) is completed, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives an unredacted report describing the standards by which the review was conducted and the outcome of the review.

SEC. 306. SUPPLY CHAIN AND COUNTERINTELLIGENCE RISK MANAGEMENT TASK FORCE.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional intelligence committees.

(2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) REQUIREMENT TO ESTABLISH.—The Director of National Intelligence shall establish a Supply Chain and Counterintelligence Risk Management Task Force to share information between the intelligence community and the acquisition community of the United States Government with respect to the supply chain and counterintelligence risks.

(c) MEMBERS.—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall be composed of—

(1) a representative of the Defense Security Service of the Department of Defense;

(2) a representative of the General Services Administration;

(3) a representative of the Office of Federal Procurement Policy of the Office of Management and Budget;

(4) a representative of the Department of Homeland Security;

(5) a representative of the Federal Bureau of Investigation;

(6) the Director of the National Counterintelligence and Security Center; and

(7) any other members the Director of National Intelligence determines appropriate.

(d) SECURITY CLEARANCES.—Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) ANNUAL REPORT.—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall, at appropriate intervals, provide an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

SEC. 307. CONSIDERATION OF ADVERSARIAL TELECOMMUNICATIONS AND CYBERSECURITY INFRASTRUCTURE WHEN SHARING INTELLIGENCE WITH FOREIGN GOVERNMENTS AND ENTITIES.

Whenever the head of an element of the intelligence community enters into an intelligence relationship with a foreign government or any other foreign entity, the head of the element shall consider the pervasiveness of telecommunications and cybersecurity infrastructure, equipment, and services provided by adversaries of the United States, particularly China and Russia, or entities of such an organization in the contry or region of the foreign government or other foreign entity entering into the agreement.

SEC. 308. CYBER PROTECTION FOR THE PERSONNEL OF THE INTELLIGENCE COMMUNITY IN POSITIONS HIGHLY AT-RISK OF CYBER ATTACK.

(a) DEFINITIONS.—In this section:

(1) PERSONAL ACCOUNTS.—The term "personal accounts" means accounts for financial, insurance, and telecommunications, and telephones, residential Internet access, email, text, and multimedia messaging, cloud computing, social media, health care, and financial services, related to the personal accounts of an individual within the intelligence community.

(2) PERSONAL TECHNOLOGY DEVICES.—The term "personal technology devices" means technology devices used by personnel of the intelligence community, including networks to which such devices connect.

(3) AUTHORITY TO PROVIDE CYBER PROTECTION SUPPORT.—The Director of National Intelligence shall provide cyber protection support to prevent and detect hostile information collection activities because of the positions occupied by such personnel in the intelligence community; and

(b) REQUIREMENT TO ESTABLISH.—The personnel described in paragraph (2) shall be provided with—

(1) a description of the methodology used to monitor and determine the need for cyber protection support.

(c) REPORTS.—The Director of National Intelligence shall provide a report to the congressional intelligence committees, the Intelligence Authorization Act for Fiscal Years 2018 and 2019 and not less frequently than once each calendar year thereafter, the Director of National Intelligence, in consultation with each head of a covered agency, submit to the congressional intelligence committees a report that details the determinations and notifications made under subsection (c) during the most recently completed calendar year.

"(2) INITIAL REPORT.—The first report submitted under paragraph (1) shall detail all the determinations and notifications made under subsection (c) before the date of the submittal of the report.

SEC. 309. MODIFICATION OF AUTHORITY RELATING TO CYBER SECURITY CLASSIFICATIONS.

(a) PROHIBITION.—An officer of an element of the intelligence community who has been nominated by the President for a position that requires the advice and consent of the Senate may not make a classification decision that is inconsistent with a determination made by such person's nominee.

(b) CLASSIFICATION DETERMINATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), in a case in which an officer described in subsection (a) has been nominated as described in such subsection and classification authority rests with the officer or the officer's nominee, directly or indirectly to such officer, a classification decision with respect to information related to the officer shall be made by the Director of National Intelligence.

(2) NOMINATIONS OF DIRECTOR OF NATIONAL INTELLIGENCE.—In a case described in paragraph (1) in which the officer nominated is the Director of National Intelligence, the classification decision shall be made by the Principal Deputy Director of National Intelligence.

(c) REPORTS.—Whenever the Director or the Principal Deputy Director makes a decision under subsection (b), the Director or the Principal Deputy Director, as the case may be, shall submit to the congressional intelligence committees a report detailing the reasons for the decision.

SEC. 311. JOINT INTELLIGENCE COMMUNITY COUNCIL.

(a) MEETINGS.—Section 101A(d) of the National Security Act of 1947 (50 U.S.C. 3022(d)) is amended—

(1) by striking "regular"; and

(2) by inserting "as the Director considers appropriate" after "Council."

(b) REPORT ON FUNCTION AND UTILITY OF THE JOINT INTELLIGENCE COMMUNITY COUNCIL.—

(1) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Senate Committee on Intelligence, the House Permanent Select Committee on Intelligence, and the Joint Intelligence Community Council, shall submit to the congressional intelligence committees a report on the function and utility of the Joint Intelligence Community Council.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The number of physical or virtual meetings held by the Council per year since the Council's inception.
(B) A description of the effect and accomplishments of the Council.
(C) An explanation of the unique role of the Council relative to other entities, including whether it will replace the National Security Council and the Executive Committee of the intelligence community.
(D) Recommendations for the future role and composition of the Council.
(E) Such other matters relating to the function and utility of the Council as the Director considers appropriate.

3. The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 312. INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

(a) DEFINITIONS.—In this section:
(1) CORE SERVICE.—The term ‘core service’ means a capability that is available to multiple elements of the intelligence community and required for consistent operation of the intelligence community information technology environment.
(2) INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.—The term ‘intelligence community information technology environment’ means all of the information technology services across the intelligence community that deliver the data sharing and protection environment across multiple classification domains.

(b) ROLES AND RESPONSIBILITIES.—
(1) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall be responsible for coordinating the performance by elements of the intelligence community of the intelligence community information technology environment, including each of the following:
(A) Ensuring compliance with all applicable environment rules and regulations of such environment;
(B) Ensuring measurable performance goals exist for such environment;
(C) Documenting standards and practices of such environment;
(D) Acting as an arbiter among elements of the intelligence community related to any disagreements arising out of the implementation of such environment.
(E) Delegating responsibilities to the elements of the intelligence community and carrying such responsibilities as are necessary for the effective implementation of such environment.

(2) CORE SERVICE PROVIDERS.—Providers of core services shall be responsible for—
(A) providing core services, in coordination with the Director of National Intelligence; and
(B) providing the Director with information requested and required to fulfill the responsibilities of the Director under paragraph (1).

(3) USE OF CORE SERVICES.—
(A) IN GENERAL.—Except as provided in subparagraph (B), each element of the intelligence community shall use core services when such services are available.
(B) EXCEPTION.—The Director of National Intelligence may provide for a written exception to the requirement under subparagraph (A) if the Director determines there is a compelling financial or mission need for such exception.

(c) MANAGEMENT ACCOUNTABILITY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate and maintain one or more accountable executives of the intelligence community information technology environment as the responsible form—
(1) management, financial control, and integration of such environment;
(2) overseeing the performance of each core service, including establishing measurable service requirements and schedules;
(3) to the degree feasible, ensuring testing of each core service environment, including—
(i) testing by the intended users, to evaluate performance against measurable service requirements and to ensure the capability meets user needs; and
(ii) coordinate transition or restructuring efforts of such environment, including phase-out of legacy systems.
(4) SECURITY PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and maintain a security plan for the intelligence community information technology environment.

(d) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a long-term roadmap that shall include each of the following:
(1) A description of the minimum required and desired core service requirements, including—
(A) key performance parameters; and
(B) an assessment of current, measured performance.
(2) Implementation milestones for the intelligence community information technology environment, including each of the following:
(A) A schedule for expected deliveries of core service capabilities during each of the following phases:
(i) Concept refinement and technology maturity demonstration.
(ii) Development, integration, and demonstration.
(iii) Production, deployment, and sustainment.
(iv) System retirement.
(B) Dependencies of such core service capabilities.
(C) Plans for the transition or restructuring necessary to incorporate core service capabilities.
(D) A description of any legacy systems and discontinued capabilities to be phased out.
(E) Such other matters as the Director determines appropriate.

(e) BUSINESS PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a business plan that includes each of the following:
(1) A systematic approach to identify core service funding requests for the intelligence community information technology environment within the proposed budget, including multiyear plans to implement the long-term roadmap required by subsection (e).
(2) A uniform approach by which each element of the intelligence community shall identify the cost of legacy information technology or alternative capabilities where services of the intelligence community information technology environment will also be available.

(f) DATA SHARING AND PROTECTION ENVIRONMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Security Service shall submit to the congressional intelligence committees a classified report on the feasibility, desirability, and requirements associated with the implementation of a secure mobile voice solution for the intelligence community.

(g) CONTENTS.—The report required by subsection (a) shall include, at a minimum, the following:
(1) The benefits and disadvantages of a secure mobile voice solution.
(2) Whether the intelligence community could leverage commercially available technology that operates on commercial mobile networks in a secure manner and identifying the accompanying security risks to such networks.
(3) A description of any policies or community guidance that would be necessary to govern the potential solution, such as a process for determining the appropriate use of a secure mobile telephone and any limitations associated with such use.

SEC. 313. SUBMISSION OF INTELLIGENCE COMMUNITY POLICIES.

(a) POLICY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall establish a policy for minimum insider threat standards that is consistent with the National Insider Threat Policy and Minimum Standards for Executive Branch In-
designated as the program manager shall be appointed by the Director of National Intelligence.

SEC. 403. TECHNICAL MODIFICATION TO THE DIRECTOR OF NATIONAL INTELLIGENCE ACT OF 1976.

(a) In general.—The Director of National Intelligence Act of 1976 (50 U.S.C. 403 et seq.) is amended by striking subsection (a) and inserting the following:

"(b) The Director of National Intelligence shall be responsible for the intelligence community.

"(c) The Director shall—

(1) establish the National Intelligence Board and the Intelligence Community Management Board.

(2) coordinate and promote the development of intelligence programs and activities.

(3) conduct intelligence community assessments.

(4) promote intelligence community integration and interoperability.

(5) provide for the dissemination of intelligence information.

(6) ensure the protection of intelligence information.

(7) coordinate with the Director of National Intelligence, the head of a department and agency, or the head of a branch of the Armed Forces.

(8) provide for the coordination of the intelligence community with the Department of Homeland Security.

(9) provide for the coordination of the intelligence community with the Department of State.

(10) provide for the coordination of the intelligence community with other departments and agencies.

SEC. 404. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) In general.—The head of the intelligence community shall be the Director of National Intelligence.

(b) Subsection (a) of section 1016(f) of the National Security Act of 1947 (50 U.S.C. 403a) is amended by striking "the Director of National Intelligence" and inserting "the Director of National Intelligence or the chief financial officer of the intelligence community, as determined by the President."
(1) by redesignating subsection (j) as subsection (k); and
(2) by inserting after subsection (i) the following:

"(l) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary to provide notice to any private entity before the Secretary issues a binding operational directive under subsection (b)(2)."

SEC. 433. FRAMEWORK FOR ROLES, MISSIONS, AND FUNCTIONS OF DEFENSE INTELLIGENCE AGENCY.

(a) IN GENERAL.—The Director of National Intelligence and the Secretary of Defense shall, in consultation with the Joint Chiefs of Staff, establish a framework for the Defense Intelligence Agency to prevent imbalanced priorities, insufficient or misaligned resources, and the unauthorized expansion of mission parameters.

(b) MATTERS FOR INCLUSION.—The framework required under subsection (a) shall include the following:

(1) a lexicon providing for consistent definitions of relevant terms used by both the intelligence community and the Department of Defense, including each of the following:

(A) Defense intelligence enterprise.
(B) Enterprise manager.
(C) Executive agent.
(D) Function.
(E) Functional manager.
(F) Mission.
(G) Mission manager.
(H) Responsibility.
(I) Role.
(J) Service of common concern.

(2) an assessment of the necessity of maintaining separate designations for the intelligence community and the Department of Defense for intelligence functional or enterprise management constructs.

(3) a repeatable process for evaluating the addition, transfer, or elimination of defense intelligence missions, roles, and functions, currently performed or to be performed in the future by the Defense Intelligence Agency, which includes each of the following:

(A) A justification for the addition, transfer, or elimination of a mission, role, or function.

(B) The identification of which, if any, element of the Federal Government performs the considered mission, role, or function.

(C) In the case of any new mission, role, or function:

(i) an assessment of the most appropriate agency or element to perform such mission, role, or function, taking into account the resource profiles, scope of responsibilities, primary customers, and existing infrastructure necessary to support such mission, role, or function; and

(ii) a determination of the appropriate resource profile and an identification of the proposed resources needed and the proposed source of such resources over the future-years defense program, to be provided in writing to any elements of the intelligence community or the Department of Defense affected by the assumption, transfer, or elimination of any mission, role, or function.

(D) In the case of any mission, role, or function:

(i) if assumed, transferred, or eliminated, an assessment, which shall be completed jointly by the heads of each element affected by such assumption, transfer, or elimination, of the resources that would be assumed by the intelligence community and the Department if such mission, role, or function is assumed, transferred, or eliminated.

(E) A description of how determinations are made regarding the funding of programs and the National Intelligence Program and the Military Intelligence Program, including:

(i) which programs or activities are funded under each such Program and

(ii) which programs or activities should be jointly funded under both such Programs and how determinations are made with respect to such fundings for allocations for such programs and activities; and

(iii) the thresholds and process for changing a program or activity from being funded under one such Program to being funded under the other such Program.

SEC. 434. ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL RECONNAISSANCE OFFICE.

(a) ESTABLISHMENT.—Section 106A of the National Security Act of 1947 (50 U.S.C. 3041a) is amended by adding at the end the following new subsection:

"(d) ADVISORY BOARD.—

"(1) ADVISORY BOARD.—There is established in the National Reconnaissance Office an advisory board (in this section referred to as the "Board") to:

"(a) study matters relating to the mission of the Office of the Director, including with respect to promoting innovation, competition, and resilience in space, overhead reconnaissance, acquisition, and other matters; and

"(b) advise and report directly to the Director with respect to such matters.

"(2) MEMBERS.—

(A) NUMBER AND APPOINTMENT.—

(i) IN GENERAL.—The Board shall be composed of 5 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office.

(ii) IN GENERAL.—The Board shall be composed of 5 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office.

(iii) the thresholds and process for changing a program or activity from being funded under one such Program to being funded under the other such Program.

SEC. 435. COLLOCATION OF CERTAIN DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT FIELD LOCATIONS.

(a) IDENTIFICATION OF OPPORTUNITIES FOR COLLOCATION.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall identify, in consultation with the Commissioner of U.S. Customs and Border Protection, the Administrator of the Transportation Security Administration, the Director of Immigration and Customs Enforcement, and the heads of such other elements of the Department of Homeland Security as the Under Secretary considers appropriate, opportunities for collocation of officers of the Office of Intelligence and Analysis in the field outside of the greater Washington, District of Columbia, area in order to support operational units from U.S. Customs and Border Protection, the Transportation Security Administration, U.S. Immigration and Customs Enforcement, and other elements of the Department of Homeland Security.

(b) PLAN FOR COLLOCATION.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional intelligence committees a report that includes a plan for collocation as described in subsection (a).

TITLE V—ELECTION MATTERS

SEC. 501. REPORT ON CYBER ATTACKS BY FOREIGN GOVERNMENTS AGAINST UNITED STATES ELECTION INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Foreign Relations of the Senate; and

(E) the Committee on Foreign Affairs of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term ‘‘congressional leadership’’ includes the following:

(A) the Speaker of the House of Representatives;

(B) the majority leader of the Senate;

(C) the majority leader of the House of Representatives.

(3) STATE.—The term ‘‘State’’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall submit to congressional leadership and the appropriate congressional committees a report

significant findings of the Board during the preceding year.

"(c) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

"(d) TERMINATION.—The Board shall terminate on the date that is 3 years after the date of the initial meeting described in paragraph (1).

(b) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office shall appoint the initial 5 members to the advisory board under subsection (d) of section 106A of the National Security Act of 1947 (50 U.S.C. 3041a), as amended by subsection (a).

SEC. 435. COLLOCATION OF CERTAIN DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT FIELD LOCATIONS.

(a) IDENTIFICATION OF OPPORTUNITIES FOR COLLOCATION.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall identify, in consultation with the Commissioner of U.S. Customs and Border Protection, the Administrator of the Transportation Security Administration, the Director of Immigration and Customs Enforcement, and the heads of such other elements of the Department of Homeland Security as the Under Secretary considers appropriate, opportunities for collocation of officers of the Office of Intelligence and Analysis in the field outside of the greater Washington, District of Columbia, area in order to support operational units from U.S. Customs and Border Protection, the Transportation Security Administration, U.S. Immigration and Customs Enforcement, and other elements of the Department of Homeland Security.

(b) PLAN FOR COLLOCATION.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional intelligence committees a report that includes a plan for collocation as described in subsection (a).
on cyber attacks and attempted cyber attacks by foreign governments on United States election infrastructure in States and localities in connection with the 2016 Presidential election, and such cyber attacks or attempted cyber attacks as the Under Secretary anticipates against such infrastructure. Such report shall describe the efforts and intelligence that occurred within elements of the intelligence community unclassified summary.

SEC. 503. REVIEW OF INTELLIGENCE COMMUNITY POSTURE TO COLLECT AGAINST AND ANALYZE RUSSIAN EFFORTS TO INFLUENCE THE PRESIDENTIAL ELECTION.

SEC. 504. ASSESSMENT OF FOREIGN INTELLIGENCE THREATS TO FEDERAL ELECTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees; and

(2) the appropriate congressional committees.

(b) REQUIREMENT FOR A STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing an analytical assessment of the most significant Russian influence campaigns, including, at a minimum, the specific methods by which such campaigns were conducted, are being conducted, or likely will be conducted, and the specific goal of each such campaign.

(c) STRATEGY.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing an analytical assessment of the most significant Russian influence campaigns, including, at a minimum, the specific methods by which such campaigns were conducted, are being conducted, or likely will be conducted, and the specific goal of each such campaign.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” includes the following:

(1) An assessment of whether the resources of the intelligence community were properly aligned to detect and respond to the efforts described in subsection (a) and (b) shall be submitted to the congressional intelligence committees in a classified form.

(2) An assessment of whether the efforts described in subsection (a) and (b) were conducted, or likely will be conducted, as appropriate to the efforts described in subsection (a) and (b) shall be submitted to the congressional intelligence committees in an unclassified summary.

(3) An assessment of whether the efforts described in subsection (a) and (b) were conducted, or likely will be conducted, as appropriate to the efforts described in subsection (a) and (b) shall be submitted to the congressional intelligence committees in a classified form.

(4) An assessment of whether the efforts described in subsection (a) and (b) were conducted, or likely will be conducted, as appropriate to the efforts described in subsection (a) and (b) shall be submitted to the congressional intelligence committees in an unclassified summary.

(5) An assessment of whether the efforts described in subsection (a) and (b) were conducted, or likely will be conducted, as appropriate to the efforts described in subsection (a) and (b) shall be submitted to the congressional intelligence committees in a classified form.

(6) An assessment of whether the efforts described in subsection (a) and (b) were conducted, or likely will be conducted, as appropriate to the efforts described in subsection (a) and (b) shall be submitted to the congressional intelligence committees in an unclassified summary.

(7) An assessment of whether the efforts described in subsection (a) and (b) were conducted, or likely will be conducted, as appropriate to the efforts described in subsection (a) and (b) shall be submitted to the congressional intelligence committees in a classified form.

(8) Public education and communication efforts.

(9) The term “security vulnerability” has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(b) IN GENERAL.—The Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of National Security Agency, the Director of the Federal Bureau of Investigation, the Director of Homeland Security, and the heads of other relevant elements of the intelligence community, shall:

(1) commence not later than 1 year before any regularly scheduled Federal election occurring after December 31, 2018, and complete not later than 180 days before such election, an assessment of security vulnerabilities of State election systems; and

(2) not later than 180 days before any regularly scheduled Federal election occurring after December 31, 2018, submit a report on such security vulnerabilities and an assessment of foreign intelligence threats to the election to—

(A) congressional leadership; and

(B) the appropriate congressional committees.

(c) UPDATE.—Not later than 90 days before any regularly scheduled Federal election occurring after December 31, 2018, the Director of National Intelligence shall:

(1) update the assessment of foreign intelligence threats to that election; and

(2) submit the updated assessment to—

(A) congressional leadership; and

(B) the appropriate congressional committees.

(d) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall jointly brief the appropriate congressional committees on the strategy developed under subsection (b).

(e) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Homeland Security shall jointly brief the appropriate congressional committees on the strategy developed under subsection (b).

(f) IN GENERAL.—As provided in paragraph (2), for each Federal election, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of Homeland Security, the Director of National Security Agency, and the Director of the Federal Bureau of Investigation, for Intelligence and Analysis and the Director of the Federal Bureau of Investigation,
shall make publicly available on an Internet website an advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices. Each such advisory report shall include information on the protection of sources and methods, each of the following:

(A) A description of foreign counterintelligence or cybersecurity threats to election campaigns for Federal offices.

(B) A summary of best practices that election campaigns for Federal offices can employ in countering such threats.

(C) An identification of any publicly available resources, including United States Government resources, for countering such threats.

(2) SCHEDULE FOR SUBMITTAL.—A report under this subsection shall be made available as follows:

(A) In the case of a report regarding an election held for the office of Senator or Member of the House of Representatives during 2018, not later than the date that is 60 days after the date of the enactment of this Act.

(B) In the case of a report regarding an election for a Federal office during any subsequent election cycle, not later than the date that is 1 year before the date of the election.

(3) INFORMATION TO BE INCLUDED.—A report under this subsection shall reflect the most current information available to the Director of National Intelligence regarding foreign counterintelligence and cybersecurity threats.

(b) TREATMENT OF CAMPAIGNS SUBJECT TO HIGHESTEDED THREATS.—If the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that an election campaign for Federal office is subject to a heightened foreign counterintelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available additional information to the appropriate representatives of such campaign.

sec. 507. INFORMATION SHARING WITH STATE ELECTION OFFICIALS.

(a) STATE DEFINED.—In this section, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(b) SECURITY CLEARANCES.—

(1) SECURITY CLEARANCE.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall support the Under Secretary of Homeland Security for Intelligence and Analysis and any other official of the Department of Homeland Security designated by the Secretary of Homeland Security, in sponsoring a security clearance up to the top secret level for each eligible chief election official of a State or the District of Columbia, and any designated election official as described in paragraph (1) and up to 1 designee of each such official under such paragraph.

(c) INFORMATION SHARING.—

(1) IN GENERAL.—The Director of National Intelligence may share information, at the time that such election official assumes such position.

(2) INTERIM CLEARANCES.—Consistent with applicable policies and directives, the Director of National Intelligence may issue interim clearances, for a period to be determined by the Director, to a chief election official as described in paragraph (1) and up to 1 designee of such official under such paragraph.

(3) INFORMATION SHARING.—

(1) IN GENERAL.—The Director of National Intelligence shall designate a national counterintelligence officer within the National Counterintelligence and Security Center to lead, manage, and coordinate counterintelligence matters relating to risks posed by interference from foreign powers (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) to the following:

(a) National election campaigns.

(b) The Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(c) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(c) BRIEFING.—

(1) THAT ON OR AFTER THE DATE OF THE ENACTMENT OF THIS ACT, A SIGNIFICANT FOREIGN CYBER INTRUSION OR ACTIVE MEASURES CAMPAIGN INFLUENCE OR INTERVENTION FOR ANY FEDERAL OFFICE HAS OCCURRED OR IS OCCURRING;

(2) WITH MODERATE OR HIGH CONFIDENCE, THAT SUCH INTRUSION OR CAMPAIGN CAN BE ATtributed TO A FOREIGN STATE OR TO A FOREIGN NONSTATE PERSON, GROUP, OR OTHER ENTITY.

(c) DESIGNATION OF COUNTERINTELLIGENCE OFFICER TO LEAD ELECTRONIC ELECTION INFRASTRUCTURE BRIEFINGS.—With respect to a significant foreign cyber intrusion covered by a determination under subsection (b), the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall offer to the owner or operator of any electronic election infrastructure directly affected by such intrusion, a briefing on such intrusion, including steps that may be taken to mitigate such intrusion. Such briefing may be classified and made available only to individuals with appropriate security clearances.

(d) PROTECTION OF SOURCES AND METHODS.—This subsection shall be carried out in a manner that is consistent with the protection of sources and methods.

sec. 509. DESIGNATION OF COUNTERINTELLIGENCE OFFICER TO LEAD ELECTRONIC SECURITY MATTERS.

(a) IN GENERAL.—The Director of National Intelligence shall designate a national counterintelligence officer within the National Counterintelligence and Security Center to lead, manage, and coordinate counterintelligence matters relating to risks posed by interference from foreign powers (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) to the following:

(1) The Federal Government.

(2) A State or local government.

(3) A political party.

(4) Any other information such Directors and the Secretary jointly determine appropriate.

(b) ELECTRONIC ELECTION INFRASTRUCTURE BRIEFINGS.—With respect to a significant foreign cyber intrusion covered by a determination under subsection (b), the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall offer to the owner or operator of any electronic election infrastructure directly affected by such intrusion, a briefing on such intrusion, including steps that may be taken to mitigate such intrusion. Such briefing may be classified and made available only to individuals with appropriate security clearances.

(c) PROTECTION OF SOURCES AND METHODS.—This subsection shall be carried out in a manner that is consistent with the protection of sources and methods.

sec. 510. DESIGNATION OF COUNTERINTELLIGENCE OFFICER TO LEAD ELECTRONIC SECURITY MATTERS.
TITLE VI—SECURITY CLEARANCES

SEC. 601. DEFINITIONS.
In this title:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—
(A) the congressional intelligence committees;
(B) the Committee on Armed Services of the Senate;
(C) the Committee on Appropriations of the Senate;
(D) the Committee on Homeland Security and Governmental Affairs of the Senate;
(E) the Committee on Armed Services of the House of Representatives;
(F) the Committee on Appropriations of the House of Representatives;
(G) the Committee on Homeland Security of the House of Representatives; and
(H) the Committee on Oversight and Reform of the House of Representatives.
(2) APPROPRIATE INDUSTRY PARTNER.—The term ‘‘appropriate industry partner’’ means a contractor, licensee, or grantee as defined in section 101(a) of Executive Order 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program) that is participating in the National Industrial Security Program established by such Executive Order.
(3) CONTINUOUS VETTING.—The term ‘‘continuous vetting’’ has the meaning given such term by Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information).
(4) COUNCIL.—The term ‘‘Council’’ means the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to such Executive Order, or any successor entity.
(5) SECURITY EXECUTIVE AGENT.—The term ‘‘Security Executive Agent’’ means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 805.
(6) SUITABILITY AND CREDENTIALING EXECUTIVE AGENT.—The term ‘‘Suitability and Credentialing Executive Agent’’ means the Director of the Office of Personnel Management acting as the Suitability and Credentialing Executive Agent in accordance with Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information) or any successor entity.

SEC. 602. REPORTS AND PLANS RELATING TO SECURITY CLEARANCES AND BACKGROUND INVESTIGATIONS.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) ensuring the trustworthiness and security of the workforce, facilities, and information of the Federal Government is of the highest priority to national security and public safety;
(2) the President and Congress should prioritize the modernization of the personnel security framework to improve its efficiency, effectiveness, and accountability;
(3) the current system for security clearance, suitability, and credentialing lacks efficiencies and capabilities to meet the current threat environment, recruit and retain a trusted workforce, and capitalize on modern technologies; and
(4) changes to policies or processes to improve this system should be vetted through the Council on Security, Standardization, and Accountability, and reciprocity in security clearances across the Federal Government.

(b) ACCOUNTABILITY PLANS AND REPORTS.—
(1) PLANS.—Not later than 90 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees and make available to the appropriate industry partners the following:
(A) A plan, with milestones, to reduce the background investigation inventory to an overall steady-state level, by the end of year 2020. Such plan shall include notes of any required changes in investigative and adjudicative standards or resources.
(B) A plan to conduct the consolidation of background investigations associated with the current personnel security framework in the most effective and efficient manner between the National Background Investigation Bureau and the Defense Security Service, or a successor organization. Such plan shall address required funding, personnel, contracts, information technology, field office structure, policy, governance, schedule, transition costs, and effects on stakeholders.
(2) REPORT ON THE FUTURE OF PERSONNEL SECURITY.—
(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to the appropriate industry partners a report on the future of personnel security to reflect changes in threats, technology, and policy. 
(B) CONTENTS.—The report submitted under subparagraph (A) shall include the following:
(i) A risk framework for granting and renewing access to classified information.
(ii) A discussion of the use of technologies to prevent, detect, and monitor threats.
(iii) A discussion of efforts to address reciprocity and portability.
(iv) A discussion of the characteristics of effective insider threat programs.
(v) An analysis of how to integrate data from continuous evaluation, insider threat programs, and human resources data.
(vi) Recommendations on interagency governance.
(3) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to the appropriate industry partners a plan to implement the recommendations submitted under paragraph (2)(A).
(4) CONGRESSIONAL NOTIFICATIONS.—Not less frequently than quarterly, the Security Executive Agent shall make available to the public a report regarding the status of the disposition of requests received from departments and agencies of the Federal Government for a change to, or approval under, the Federal investigative standards, the national adjudicative guidelines, continuous evaluation, or other additional policy regarding personnel security.

SEC. 603. IMPROVING THE PROCESS FOR SECURITY CLEARANCES.
(a) REVIEWS.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that includes the following:
(1) A review of whether the information requested on the Questionnaire for National Security Positions (Standard Form 86) and by the Office of Personnel Management and the Office of the Director of National Intelligence appropriately supports the adjudicative guidelines under Security Executive Agent Directive 4 (known as the ‘‘National Security Adjudicative Guidelines’’). Such review shall include identification of whether any such information currently collected is unnecessary to support the adjudicative guidelines.
(2) Recommendations as to whether such Questionnaire, Standards, and guidelines should be revised to account for the prospect of a holder of a security clearance becoming an insider threat.
(3) Recommendations to improve the back- ground investigation process by—
(A) any recommended changes to the Background Investigation for National Security Positions (Standard Form 86) and increasing customer support to applicants completing such Questionnaire;
(B) using remote techniques and centralized locations to support or replace field investigation work;
(C) using secure and reliable digitization of information obtained during the clearance process;
(D) building the capacity of the background investigation labor sector; and
(E) any other recommendations with continuous evaluation techniques in all appropriate circumstances.
(b) POLICY, STRATEGY, AND IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent shall, in coordination with the members of the Council, establish the following:
(1) A policy and implementation plan for the issuance of interim security clearances.
(2) A policy and implementation plan to ensure contractors are treated consistently in the security clearance process across agencies and departments of the United States as compared to employees of such agencies and departments. Such policy shall address:
(A) Prioritization of processing security clearances based on the mission the contractors will be performing;
(B) standardization in the forms that agencies issue to initiate the process for a security clearance;
(C) digitization of background investigation-related forms;
(D) of the paragraph;
(E) the application of the adjudicative guidelines under Security Executive Agent Directive 4 (known as the ‘‘National Security Adjudicative Guidelines’’);
(F) reciprocal recognition of clearances across agencies and departments of the United States, regardless of status of periodic reinvestigation;
(G) tracking of clearance files as individuals move from employment with an agency or department of the United States to employment in the private sector; and
(H) collection of timelines for movement of contractors across agencies and departments.
(3) Reporting on security incidents and job performance, consistent with section 552a of title 5, United States Code (commonly known as the ‘‘Privacy Act of 1974’’), that may affect the ability to hold a security clearance;
(J) any recommended changes to the Federal Acquisition Regulations (FAR) necessary to ensure that information affecting contractor clearances or suitability is appropriately and expeditiously shared between and among agencies and contractors; and
(K) any other recommendations to improve the portability of contractor security clearances between or among contracts at the same agency and between or among contracts at different agencies that require the same security level.
(3) A strategy and implementation plan that—

S3739
June 18, 2019
CONGRESSIONAL RECORD — SENATE
(A) provides for periodic reinvestigations as part of a security clearance determination only on an as-needed, risk-based basis; 
(B) includes actions to assess the extent to which automated records checks and other continuous evaluation methods may be used to expedite or focus reinvestigations; and 
(C) provides an exception for certain populations that it determines such populations require reinvestigations at regular intervals; and 
(i) provides written justification to the appropriate congressional committees for any such determination.

(4) A policy and implementation plan for agencies of the United States, as a part of the security clearance process, to accept automated records checks generated pursuant to a security clearance applicant’s employment with a prior employer.

(5) A policy for the use of certain background materials on individuals collected by the private sector for background investigation purposes.

(6) Uniform standards for agency continuous evaluation programs to ensure quality and rigor of periodic reevaluation in a continuous vetting program as a substitute for a periodic investigation for continued access to classified information.

SEC. 604. GOALS FOR PROMPTNESS OF DETERMINATIONS REGARDING SECURITY CLEARANCES.

(a) Reciprocity Defined.—In this section, the term ‘reciprocity’ means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

(b) In General.—The Council shall reform the security clearance process with the objective that, by December 31, 2021, 90 percent of all determinations, other than determinations regarding populations identified under section 603(b)(3)(C), regarding—

(1) security clearances—

(A) at the secret level are issued in 30 days or fewer; and

(B) at the top secret level are issued in 90 days or fewer;

and

(2) reciprocity of security clearances at the same level are recognized in 2 weeks or fewer.

(c) Certain Reinvestigations.—The Council shall reform the security clearance process with the goal that by December 31, 2021, reinvestigation periodicity is not required for more than 10 percent of the population that holds a security clearance.

(d) Definitions.

(1) In General.—If the Council develops a set of performance metrics that it certifies to the appropriate congressional committees should achieve substantially equivalent outcomes as those outlined in subsections (b) and (c), the Council may use those metrics for purposes of compliance within this provision.

(2) Notice.—If the Council uses the authority provided by paragraph (1) to use metrics as described in such paragraph, the Council shall, no later than 30 days after communicating such metrics to departments and agencies, notify the appropriate congressional committees that it is using such authority.

(e) Plan.—Not later than 180 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees the authorities to make available to appropriate industry partners a plan to carry out this section. Such plan shall include recommended interim milestones for the goals set forth in subsections (b) and (c) for 2019, 2020, and 2021.

SEC. 605. SECURITY EXECUTIVE AGENCY.

(a) Authority.—(1) The term ‘Security Executive Agency’ of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended—

(1) by redesignating sections 803 and 804 as sections 804 and 805, respectively; and

(2) by inserting after section 802 the following:

“SEC. 803. SECURITY EXECUTIVE AGENCY.

(a) In General.—The Director of National Intelligence, or such other officer of the United States as the President may designate, shall serve as the Security Executive Agency for all departments and agencies of the United States.

(b) Duties.—The duties of the Security Executive Agency are as follows:

(1) To direct the oversight of investigations, reinvestigations, adjudications, and, as applicable, polygraphs for eligibility for access to classified information or eligibility to hold a sensitive position made by any Federal agency.

(2) To review the national security background investigation and adjudication programs of Federal agencies to determine whether such programs are being implemented in accordance with this section.

(3) To develop and issue uniform and consistent policies and procedures to ensure the effective, efficient, timely, and secure completion of investigations, polygraphs, and adjudications relating to determinations of eligibility for access to classified information or eligibility to hold a sensitive position.

(4) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to conduct investigations of persons who are proposed for access to classified information or for eligibility to hold a sensitive position, as applicable.

(5) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to determine eligibility for access to classified information or eligibility to hold a sensitive position in accordance with Executive Order 12968 (50 U.S.C. 3161 note; relating to access to classified information, while still preserving security.

(6) To ensure reciprocal recognition of eligibility for access to classified information or eligibility to hold a sensitive position.

(c) Authorities.—The Security Executive Agency shall—

(1) issue guidelines and instructions to the heads of Federal agencies to ensure appropriate uniformity, centralization, efficiency, effectiveness, timeliness, and security in processes relating to determinations by such agencies of eligibility for access to classified information or eligibility to hold a sensitive position; such matters as investigations, polygraphs, adjudications, and reciprocity;

(2) have the authority to grant exceptions to, or waive, any of the requirements, including issuing implementing or clarifying guidance, as necessary; 

(3) have the authority to assign, in whole or in part, to any Federal agency (solely or jointly) any of the duties of the Security Executive Agency described in subsection (b) or the authorities described in paragraph (1) to any Federal agency (solely or jointly) of any of the duties of the Security Executive Agency described in subsection (b) or the authorities described in paragraph (1); 

(4) define and set standards for continuous evaluation for continued access to classified information and for eligibility to hold a sensitive position.

(5) request recommendations for revising authorities.—Not later than 30 days after the date on which the Chairman of the Council submits to the appropriate congressional committees the report required by section 602(b)(2)(A), the Chairman shall submit to the appropriate congressional committees such recommendations as the Chairman may have for revising the authorities of the Security Executive Agency.

(d) Conforming Amendment.—Section 108H(j)(4)(A) of such Act (50 U.S.C. 3161 note) is amended by striking “in section 804” and inserting “in section 805”.

(e) Clerical Amendment.—The table of contents in the matter preceding section 2 of such Act (50 U.S.C. 3162) is amended by striking title in sections 803 and 804 and inserting the following:


“Sec. 804. Exceptions.

“Sec. 805. Definitions.”.

SEC. 606. REPORT ON UNIFIED, SIMPLIFIED, GOVERNMENTWIDE STANDARDS FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.

Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to the appropriate congressional committees the report required by the Security Executive Agent, in coordination with the other members of the Council, shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a report regarding the advisability and the risks, benefits, and costs to the Government and to industry of consolidating to not more than 3 tiers for positions of trust and security clearances.

SEC. 607. REPORT ON CLEARANCE IN PERSON CONCEPT.

(a) Sense of Congress.—It is the sense of Congress that to reflect the greater mobility of the modern workforce, alternative methodologies merit analysis to allow greater flexibility for individuals moving in and out of positions that require access to classified information, while still preserving security.

(b) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to the appropriate congressional committees the report required by the Security Executive Agent, in coordination with the other members of the Council, shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a report that describes the requirements, feasibility, and advisability of implementing a clearance in person concept described in subsections (b) and (c).

(c) Clearance in Person Concept.—The clearance in person concept—

(1) permits an individual who once held a security clearance to maintain his or her eligibility for access to classified information, networks, and facilities for up to 3 years after the individual’s eligibility for access to classified information would otherwise lapse; and

(2) recognizes, unless otherwise directed by the Security Executive Agent, an individual’s security clearance and background investigation as current, regardless of employment status, contingent on enrollment in a continuous vetting program.

Not later required under subsection (b) shall address—

(1) requirements for an individual to voluntarily remain in a continuous evaluation program validated by the Security Executive Agent even if the individual is not in a position requiring access to classified information;

(2) appropriate safeguards for privacy;

(3) advantages to government and industry;
the costs and savings associated with implementation; (5) the risks of such implementation, including security and counterintelligence risks; (6) an appropriate funding model; and (7) fairness to small companies and independent contractors.

SEC. 608. BUDGET REQUEST DOCUMENTATION ON FUNDING FOR BACKGROUND INVESTIGATIONS.

(a) In General.—As part of the fiscal year 2020 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include exhibits that describe the resources expended by each agency during the prior fiscal year for processing background investigations and continuous evaluation programs, disaggregated by tier and whether the individual was a Government employee or contractor.

(b) Contents.—Each exhibit submitted under subsection (a) shall include details on—

(1) the costs of background investigations or re-investigations;
(2) the cost associated with background investigations for Government or contractor personnel;
(3) costs associated with continuous evaluation programs for whom a background investigation or re-investigation was conducted, other than costs associated with adjudication;
(4) the average cost per person for each type of background investigation; and
(5) a summary of transfers and reprogrammings that were executed in the previous year to support the processing of security clearances.

SEC. 609. REPORTS ON RECIPROCITY FOR SECURITY CLEARANCES INSIDE OF DEPARTMENTS AND AGENCIES.

(a) Reciprocally Recognized Defined.—In this section, the term ‘‘reciprocally recognized’’ means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

(b) Reports to Security Executive Agent.—The head of each Federal department or agency shall submit an annual report to the Security Executive Agent that—

(1) identifies the number of individuals whose security clearances take more than 2 weeks to be reciprocally recognized after such individuals move to another part of such department or agency; and
(2) breaks out the information described in paragraph (1) by type of clearance and the reasons for any delays.

(c) Annual Report.—Not less frequently than once each year, the Security Executive Agent shall submit to the appropriate congressional committees and make available to industry partners an annual report that resulted in a denial or revocation of a security clearance.

(d) Information and Records.—The information and records considered under the Program include—

(1) Date and place of birth.
(2) Employment or social references.
(3) Education records.
(4) Employment records.
(5) Criminal history checks.
(6) Employment or social references.
(7) State and local law enforcement information.
(8) Financial records or information.
(9) Criminal history checks.
(10) Foreign travel, relatives, or associations.
(11) Social media checks.
(12) Professional or military training.
(13) Foreign travel, relatives, or associations.
(14) Educational background.
(15) All other information or records as may be relevant to obtaining or maintaining security clearance, suitability, fitness, or credentialing eligibility.

SEC. 610. INTELLIGENCE COMMUNITY REPORTS ON SECURITY CLEARANCES.

Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(i), by adding ‘‘and’’ at the end;
(B) in subparagraph (B)(ii), by striking ‘‘and’’ and inserting a period; and
(C) by striking subparagraph (C);
(2) by redesignating subparagraph (b) as subsection (c);
(3) by inserting after subsection (a) the following:

‘‘(b) INTELLIGENCE COMMUNITY REPORTS.—(1)(A) Not later than March 1 of each year, the Director of National Intelligence shall submit a report to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives regarding the security clearances processed by each element of the intelligence community during the preceding year.

(B) The Director shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the report submitted under subparagraph (A) as the Director determines address elements of the intelligence community that are within the Director’s discretion.

(C) Each report submitted under this paragraph shall separately identify security clearances for Federal employees and contractor employees sponsored by each such element.

(2) Each report submitted under paragraph (1)(A) shall include, for each element of the intelligence community for the fiscal year covered by the report, the following:

(A) The number of initial security clearance background investigations sponsored for new applicants.

(B) The number of security clearance periodic re-investigations sponsored for existing employees.

(C) The number of initial security clearance background investigations for new applicants that were adjudicated favorably and granted access to classified information; and

(iii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

(D) The number of security clearance periodic background investigations that were adjudicated favorably and resulted in a denial or revocation of a security clearance.

(E) The number of pending security clearance background investigations, including initial applicant investigations and periodic re-investigations that were adjudicated as of the last day of such year and that remained pending, categorized as follows:

(1) For 180 days or shorter.
(2) For longer than 180 days, but shorter than 12 months.
(3) For 12 months or longer, but shorter than 18 months.
(4) For 18 months or longer, but shorter than 24 months.
(5) For 24 months or longer.

(F) For any evidence determined to be a pattern or practice.

(G) the percentage of security clearance investigations, including initial and periodic re-investigations that resulted in a denial or revocation of a security clearance.

(H) The percentage of security clearance investigations that resulted in incomplete information.

(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.

(3) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(4) in subsection (c), by striking ‘‘subsection (a)(1)’’ and inserting ‘‘sections (a)(1) and (b)’’.

SEC. 611. PERIODIC REPORT ON POSITIONS IN THE INTELLIGENCE COMMUNITY THAT CAN BE CONDUCTED WITHOUT ACCESS TO CLASSIFIED INFORMATION, NETWORKS, OR FACILITIES.

Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 5 years thereafter, the Director of National Intelligence shall submit a report to the appropriate committees a report that reviews the intelligence community for which positions can be conducted without access to classified information, networks, or facilities, or may only require a security clearance at the secret level.

SEC. 612. INFORMATION SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.

(a) Program Required.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and theSuitability and Credentialing Executive Agent shall establish and implement a program to share between and among agencies of the Federal Government and industry partners of the Federal Government relevant background investigation information regarding individuals applying for and currently occupying national security positions and positions of trust, in order to ensure the Federal Government maintains a trusted workforce.

(b) Privacy Safeguards.—The Security Executive Agent and the Suitability and Credentialing Executive Agent shall ensure that the Program includes such safeguards for privacy as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate.

(c) Provision of Information to the Federal Government.—The Program shall include reasonable investigative service providers and agencies of the Federal Government to leverage certain pre-employment information gathered during the employment screening process, and other relevant security or human resources information obtained during employment with or for the Federal Government, that satisfy Federal investigative standards, while safeguarding personnel privacy.

(d) Information and Records.—The information and records considered under the Program shall include the following:

(1) Date and place of birth.
(2) Citizenship or immigration and naturalization information.
(3) Education records.
(4) Employment records.
(5) Employment or social references.
(6) Military service records.
(7) State and local law enforcement checks.
(8) Criminal history checks.
(9) Financial records or information.
(10) Foreign travel, relatives, or associations.
(11) Social media checks.
(12) Professional or military training.
(13) Foreign travel, relatives, or associations.
(14) Educational background.
(15) All other information or records as may be relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

SEC. 613. DIRECTION OF THE PRESIDENT.—

(1) In General.—Not later than 90 days after the date of the enactment of this Act,
the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a plan for the implementation of the Program.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:
   (A) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the Program.

(f) PLAN FOR PILOT PROGRAM ON TWO-WAY INFORMATION SHARING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a plan for the implementation of a pilot program to assess the feasibility and advisability of expanding the Program to include the sharing of information held by the Federal Government related to contract personnel with the security office of the employers of those contractor personnel.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:
   (A) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the pilot program.

(g) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a review of the plans submitted under subsections (e)(1) and (f)(1) and utility and effectiveness of the programs described in those plans.

SEC. 613. REPORT ON PROTECTIONS FOR CONFI 頓DENTIALITY OF WHISTLEBLOWER-RELATED COMMUNICATIONS.

Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent shall, in coordination with the Inspector General of the Intelligence Community, submit to the appropriate congressional committees a report detailing the controls employed by the intelligence community to ensure that continuous vetting programs involving intelligence activity monitoring, protect the confidentiality of whistleblower-related communications.

TITLE VII—REPORTS AND OTHER MATTERS

Subtitle A—Matters Relating to Russia and Other Foreign Powers

SEC. 701. LIMITATION RELATING TO ESTABLISHMENT OF CONGRESSIONAL COMMITTEE EXEMPT UNIT WITH THE RUSSIAN FEDERATION.

(a) APPROPRIATE CONGRESSIONAL COMMIT Tees defined.—In this section, the term ‘‘appropriate congressional committees’’ means—
   (1) the congressional intelligence committees;
   (2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
   (3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) LIMITATION.—
   (1) IN GENERAL.—No amount may be expended by the Federal Government, other than amounts available to enter into or implement any bilateral agreement between the United States and the Russian Federation regarding cybersecurity, including the deployment or support of any cybersecurity unit, unless, at least 30 days prior to the conclusion of any such agreement, the Director of National Intelligence submits to the appropriate congressional committees a report on such agreement that includes the elements required by subsection (c).

(c) DEPARTMENT OF DEFENSE AGREEMENTS.—Any agreement between the Department of Defense and the Russian Federation regarding cybersecurity shall be conducted in accordance with section 1222 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), as amended by section 1221 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91).

(d) ELEMENTS.—If the Director submits a report under this paragraph with respect to an agreement, such report shall include a description of each of the following:
   (1) The purpose of the agreement;
   (2) The national security value to be shared pursuant to the agreement;
   (3) The expected value to national security resulting from the implementation of the agreement;
   (4) Such counterintelligence concerns associated with the agreement as the Director may have and such measures as the Director expects to be taken to mitigate such concerns;
   (5) RULE OF CONSTRUCTION.—This section shall not be construed to affect any existing authority of the Director of National Intelligence, the Director of the Central Intelligence Agency, or another head of an element of the intelligence community, to share or receive foreign intelligence on a case-by-case basis.

SEC. 702. REPORT ON RETURNING RUSSIAN COMPOUNDS DEFINED.—In this section, the term ‘‘covered compounds’’ means the real property in San Francisco, California, that were under the control of the Government of Russia in 2016 and were removed from such control in response to various transgressions by the Government of Russia, including the interference by the Government of Russia in the 2016 election in the United States.

(b) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives (only with respect to the unclassified report), a report on the intelligence risks of returning the covered compounds to Russian control.

(c) FORM OF REPORT.—The report required by this section shall be submitted in classified and unclassified forms.

SEC. 703. ASSESSMENT OF THREAT FINANCE REPORTS REQUIRED.

(a) THREAT FINANCE DEFINED.—In this section, the term ‘‘threat finance’’ means—
   (1) the financing of cyber operations, global influence campaigns, intelligence services, activities, proliferation, terrorism, or transnational crime and drug organizations;
   (2) the methods and entities used to spend, store, move, raise, conceal, or launder money or value, on behalf of threat actors;
   (3) sanctions evasion; and
   (4) forms of threat finance activity domestically or internationally, as defined by the President.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of the Treasury for Intelligence and Analysis, shall submit to the congressional intelligence committees a report containing an assessment of Russian threat finance.

(c) ELEMENTS.—The report required by subsection (b) shall include each of the following:
   (1) A summary of leading examples from the 3-year period preceding the date of the submittal of the report of threat finance activities conducted by, for the benefit of, or at the behest of—
      (A) officials of the Government of Russia;
      (B) persons subject to sanctions under any provision of law imposing sanctions with respect to Russia;
      (C) Russian nationals subject to sanctions under any other provision of law; or
      (D) Russian oligarchs or organized criminals.
   (2) An assessment with respect to any trends or patterns in threat finance activities relating to Russia, including common methods of conducting such activities and global nodes of money laundering used by Russian threat actors described in paragraph (1) and associated entities.
   (3) An assessment of any connections between Russian individuals involved in money laundering and the Government of Russia or Russian oligarchs.
   (4) A summary of engagement and coordination with international partners on threat finance relating to Russia, especially in Europe, including examples of such engagement and coordination.
   (6) An identification of—
      (A) entry points of money laundering by Russian and associated entities into the United States;
      (B) any vulnerabilities within the United States legal and financial system, including specific sectors, which have been or could be exploited in connection with Russian threat finance activities; and
      (C) the counternulltrust threat posed by Russian money laundering and other forms of threat finance, as well as the threat to the United States financial system and United States efforts to enforce sanctions and combat organized crime.
   (7) Any other matters the Director determines appropriate.

(d) FORM OF REPORT.—The report required under subsection (b) may be submitted in classified form to the appropriate congressional committees.
(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:
(A) The majority leader of the Senate.
(B) The minority leader of the Senate.
(C) The Speaker of the House of Representatives.
(D) The minority leader of the House of Representatives.

(b) REQUIREMENT FOR NOTIFICATION.—The Director of National Intelligence, in cooperation with the Director of the Federal Bureau of Investigation and the head of any other relevant agency, shall notify the congressional leadership and the Chairman and Vice Chairman of each of the appropriate congressional committees, and of other relevant committees of jurisdiction, each time the Director of National Intelligence determines there is credible information that a foreign power has, is, or will attempt to employ a covert influence or active measures campaign with regard to the modernization, employment, doctrine, or force posture of the nuclear deterrent or missile defense.

(1) CONTENT OF NOTIFICATION.—Each notification required by subsection (b) shall include information concerning actions taken by the United States to expose or halt an activity required by subsection (b) shall in- clude:
(A) A description of the outreach strategy included in subsection (b), including a determination that a foreign power has, is, or will attempt to employ a covert influence or active measures campaign with regard to the modernization, employment, doctrine, or force posture of the nuclear deterrent or missile defense.
(B) The necessity and advisability of granting security clearances to company or community leadership, when necessary and appropriate, to allow for tailored classified briefings on specific targeted threats.
(C) The advisability of partnering with entities of the Federal Government that are not elements of the intelligence community and relevant regulatory and industry groups described in subsection (b), to convey key messages across sectors targeted by United States adversaries.

(C) MATTERS FOR INCLUSION.—The report required under subsection (b) shall include information relating to the following matters with respect to both the strategic and tactical implications for the United States and its allies:
(1) A description of arms or related material transferred by Iran to Hizballah since March 2011, including the number of such arms or related materiel and whether such transfer was by land, sea, or air, as well as financial and additional technological capabilities transferred by Iran to Hizballah.
(2) A description of Iranian and Iranian-controlled personnel, including Hizballah, Shiite militias, and the Iranian Revolutionary Guard Corps forces, operating within Syria, including the number and geographic distribution of such personnel operating within 30 kilometers of the Israeli borders with Syria and Lebanon.

SEC. 707. REPORT ON IRANIAN SUPPORT OF PROXY FORCES IN SYRIA AND LEBANON.

(a) DEFINITIONS.—In this section:
(1) A PPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
(A) the congressional intelligence committees;
(B) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and
(C) the Committee on Armed Services, Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report detailing outreach by the intelligence community and the Defense Intelligence Enterprise to United States industry, academic, scientific, technical, and academic communities on matters relating to the efforts of adversaries of the United States to acquire critical United States technology, intellectual property, and search and development information.

(c) CONTENTS.—The report required by subsection (b) shall include:
(1) A review of the current outreach efforts of the intelligence community and the Defense Intelligence Enterprise described in subsection (b), including the type of information conveyed in the outreach.
(2) A description of the efforts of the intelligence community to lead outreach efforts.

(3) An assessment of potential methods for improving the effectiveness of such outreach, including an assessment of the following:
(A) Those critical technologies, infrastructure, or related supply chains that are at risk from the efforts of adversaries described in subsection (b).
(B) The necessity and advisability of granting security clearances to company or community leadership, when necessary and appropriate, to allow for tailored classified briefings on specific targeted threats.
(C) The advisability of partnering with entities of the Federal Government that are not elements of the intelligence community and relevant regulatory and industry groups described in subsection (b), to convey key messages across sectors targeted by United States adversaries.

(D) Strategies to assist affected elements of the communities described in subparagraph (A) in protecting against the broad range of threats from the efforts of adversaries described in subsection (b), with a focus on producing information that enables entities to justify business decisions related to national security concerns.

(E) The advisability of the establishment of a United States Government-wide task force to coordinate outreach and activities to combat the threats from efforts of adversaries described in subsection (b).

(F) Such matters as the Director of National Intelligence may consider necessary.

(c) CONCLUSION ENCOURAGED.—In preparing the report required by subsection (b), the Director is encouraged to consult with other government agencies, think tanks, academia, representatives of the financial industry, or such other entities as the Director considers appropriate.

(e) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex as necessary.

SEC. 708. ANNUAL REPORT ON IRANIAN EXPENDITURES SUPPORTING FOREIGN MILITARY AND TERRORIST ACTIVITIES.

(a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to Congress a report describing Iranian expenditures in support of foreign military and terrorist activities outside the country, including each of the following:
(1) The amount spent in such calendar year on military and terrorist activities by the Iranian Revolutionary Guard Corps, including activities providing support for—
(A) Hizballah;
(B) Hamas; and
(C) proxy forces in Iraq and Syria; or
(E) any other entity or country the Director determines to be relevant.
(2) The amount spent in such calendar year for ballistic missile research and testing or other activities that the Director determines are destabilizing to the Middle East region.

(b) Form.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 709. EXPANSION OF SCOPE OF COMMITTEE TO COUNTER ACTIVE MEASURES AND EXPANSION ON ESTABLISHMENT OF FOREIGN MALIGN INFLUENCE CENTER.

(a) SCOPE OF COMMITTEE TO COUNTER ACTIVE MEASURES.—

(1) IN GENERAL.—Section 501 of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 114–328; 50 U.S.C. 3001 note) is amended—

(A) in subsections (a) through (h)—

(i) by inserting ‘‘, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state’’ after ‘‘Russia Federa- tion’’ each place it appears; and

(ii) by inserting ‘‘, China, Iran, North Korea, or other nation state’’ after ‘‘Russia’’ each place it appears; and

(B) in the section heading, by inserting ‘‘, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state’’ after ‘‘Russian Federation’’.

(2) CLERICAL AMENDMENT.—The table of contents in section 501 of such Act is amended by striking the item relating to section 501 and inserting the following new item:

‘‘Sec. 501. Committee to counter active measures by the Russian Federa- tion, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, and other nation states to exert covert influence over peoples and governments.’’

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with such elements of the intelligence community as the Director considers relevant, shall submit to the congressional intelligence committees a report on the feasibility of establishing a center, to be known as the ‘‘Foreign Malign Influence Response Center’’, that—

(A) is comprised of analysts from all appropriate elements of the intelligence community, including elements with related diplomatic and law enforcement functions;

(B) has access to all intelligence and other reporting acquired by the United States Government on foreign efforts to influence, through overt and covert malign activities, United States political processes and elections;

(C) provides comprehensive assessment, and indications and warning, of such activities; and

(D) provides for enhanced dissemination of such assessment to United States policy makers.

(2) CONTENTS.—The Report required by paragraph (1) shall include the following:

(A) A discussion of the desirability of the establishment of such center and any barriers to such establishment.

(B) Such recommendations and other mat- ters as the Director considers appropriate.

Subtitle B—Reports

SEC. 711. TECHNICAL CORRECTION TO INSPECTION OF FOREIGN GOVERNMENTS.

Section 1101(d) of title 5, United States Code, is amended—

(1) in the subsection heading, by striking ‘‘AUDIT’’ and inserting ‘‘REVIEW’’;

(2) in paragraph (1), by striking ‘‘audit’’ and inserting ‘‘review’’; and

(3) in paragraph (2), by striking ‘‘audit’’ and inserting ‘‘review’’.

SEC. 712. REPORTS ON AUTHORITIES OF THE CHIEF INTELLIGENCE OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) DEFINITIONS.—In this section:

(1) the congressional intelligence committee;

(2) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) the Committee on Homeland Security of the House of Representatives.

(b) HOMELEG SECURITY INTELLIGENCE ENTERPRISE.—The term ‘‘Homeland Security Intelligence Enterprise’’ means—

(A) the congressional intelligence committee;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Homeland Security of the House of Representatives.

(c) ELEMENTS.—The report required by subsection (b) shall include each of the following:

(1) an analysis of whether the Under Sec- retary has the legal and policy authority necessary to organize and lead the Homeland Security Intelligence Enterprise, with respect to intelligence, and, if not, a descrip- tion of—

(A) the obstacles to exercising the authori- ties of the Chief Intelligence Officer of the Department and the Homeland Security Inte- lligence Council, of which the Chief Intel- ligence Officer is the chair; and

(B) legal and policy changes necessary to effectively coordinate, organize, and lead intelligence activities of the Department of Homeland Security.

(2) A description of the actions that the Secretary has taken to address the inability of the Under Secretary to require compo- nents of the Department, other than the Of- fice of Intelligence and Analysis of the Depart- ment to—

(A) coordinate intelligence programs; and

(B) integrate and standardize intelligence products produced by such other compo- nents.

SEC. 713. REPORT ON CYBER EXCHANGE PROGRAM.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the potential establishment of a fully voluntary exchange program between elements of the intelligence community and private technology companies under which—

(1) an employee of an element of the intel- ligence community with demonstrated exp- ertise and work experience in cybersecurity or related disciplines may elect to be tempo- rarily detailed to a private technology com- pany that has elected to receive the det- ailee; and

(2) an employee of a private technology company with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily de- tailed to an element of the intelligence com- munity that has elected to receive the det- ailee.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) a description of the current process for the provision of the analytic materials de- scribed in subsection (a);

(2) an identification of the most significant benefits and drawbacks of such process with respect to the role of the Director, including the sufficiency of resources and personnel to prepare such materials; and

(3) recommendations to improve such proc- ess.

SEC. 714. REVIEW OF INTELLIGENCE COMMUNITY WHISTLEBLOWER MATTERS.

(a) REVIEW OF WHISTLEBLOWER MATTERS.—The Inspector General of the Intelligence Community, in consultation with the Inspectors general for the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the Defense Intelligence Agency, and the Na- tional Reconnaissance Office, shall conduct a review of the authorities, policies, investiga- tory standards, and other practices and pro- cedures relating to intelligence community whistleblower matters, with respect to such inspectors general.

(b) OBJECTIVE OF REVIEW.—The objective of the review required under subsection (a) is to identify any discrepancies, inconsistencies, or other issues, which frustrate the timely and effective reporting of intelligence com- munity whistleblower matters to appro- priate inspectors general and to the congres- sional intelligence committees, and the fair and expeditious investigation and resolution of such matters.

(c) CONDUCT OF REVIEW.—The Inspector General of the Intelligence Community shall conduct an evaluation of measures as- sured by such Inspector General determines necessary in order to ensure that the review required by subsection (a) is con- ducted in an independent and objective fash- ion.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Commu- nity shall submit to the congressional in- telligence committees a written report con- taining the results of the review required under subsection (a), along with rec- ommendations to improve the timely and ef- fective reporting of intelligence community whistleblower matters to inspectors general and to the congressional intelligence committees and the fair and expeditious investi- gation and resolution of such matters.

SEC. 715. REPORT ON ROLE OF DIRECTOR OF NA- TIONAL INTELLIGENCE WITH RESPECT TO CERTAIN FOREIGN IN- VESTMENTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appro- priate by the Director, shall submit to the congressional intelligence committees a report on the role of the Director in pre- paring analytic materials in connection with the valuation by the Federal Government of national security risks associated with poten- tial foreign investments into the United States.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a description of the current process for the provision of the analytic materials de- scribed in subsection (a);

(2) an identification of the most significant benefits and drawbacks of such process with respect to the role of the Director, including the sufficiency of resources and personnel to prepare such materials; and

(3) recommendations to improve such proc- ess.

SEC. 716. REPORT ON SURVEILLANCE BY FOR- EIGN GOVERNMENTS AGAINST UNITED STATES TELECOMMUNI- CATIONS NETWORKS.

(a) APPROPRIATE CONGRESSIONAL COMMIT- TEES DEFINED.—In this section, the term

SEC...
“appropriate congressional committees” means the following:

(a) The congressional intelligence committees.
(b) The Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate.
(c) The Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security, submit to the appropriate congressional committees a report describing—

(1) any attempts known to the intelligence community by foreign governments to exploit cybersecurity vulnerabilities in United States telecommunications networks (including Signaling System No. 7) to target for surveillance United States persons, including employees of the Federal Government; and
(2) any actions, as of the date of the enactment of this Act, taken by the intelligence community to protect agencies and personnel of the United States Government from surveillance conducted by foreign governments.

SEC. 717. BIENNIAL REPORT ON FOREIGN INVESTMENT RISKS.

(a) INTELLIGENCE COMMUNITY INTERAGENCY WORKING GROUP.—

(1) REQUIREMENT TO ESTABLISH.—The Director of National Intelligence shall establish an interagency working group to prepare the biennial reports required by subsection (b).

(b) CHAIRPERSON.—The Director of National Intelligence shall serve as the chairperson of such interagency working group.

(c) MEMBERSHIP.—Such interagency working group shall be composed of representatives of each element of the intelligence community that the Director of National Intelligence determines appropriate.

(b) BIENNIAL REPORT ON FOREIGN INVESTMENT RISKS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report on investigations into unauthorized public disclosures of classified information.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:

(A) The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.
(B) The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.
(C) Of the number of such completed investigations described in paragraph (B), the number referred to the Attorney General for criminal investigation.
(D) DEPARTMENT OF JUSTICE REPORTING.—In general. —Not less frequently than once every 6 months, the Assistant Attorney General for National Security of the Department of Justice, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees a report on the status of each referral made to the Department of Justice from any element of the intelligence community regarding an unauthorized disclosure of classified information made during the most recent 365-day period or any referral that has not yet been closed, regardless of the date the referral was made.

(3) CONTENTS.—Each report submitted under paragraph (1) shall include, for each referral contained by the report, at a minimum, the following:

(A) The date the referral was received.
(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

(D) A statement indicating whether an open criminal investigation related to the referral is active.

(E) A statement indicating whether any criminal charges have been filed related to the referral.

(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity or individual.

(g) FORM OF REPORTS.—Each report submit under this section shall be submitted in unclassified form, but may have a classified annex.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 1104 the following new item:

“Sec. 1105. Biennial reports on investigations of unauthorized disclosures of classified information.”

SEC. 720. CONGRESSIONAL NOTIFICATION OF DESIGNATION OF COVERED INTELLIGENCE OFFICER AS PERSONA NON GRATA.

(a) COVERED INTELLIGENCE OFFICER DEFINED.—In this section, the term “covered intelligence officer” means—

(1) a United States intelligence officer serving in a post in a foreign country; or
(2) a known or suspected foreign intelligence officer serving in a United States post.

(b) REQUIREMENT FOR REPORTS.—Not later than 72 hours after a covered intelligence officer is designated as a persona non grata, the Director of National Intelligence, in consultation with the Secretary of State, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification of that designation. Each such notification shall include—

(1) the date of the designation;
(2) the basis for the designation; and
(3) a justification for the expulsion.

SEC. 721. REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUITIES PROCESSES OF FEDERAL GOVERNMENT.

(a) DEFINITIONS.—In this section—

(1) VULNERABILITIES EQUITIES PROCESS.—The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document.


(b) REPORTS ON PROCESS AND CRITERIA.—The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document or any successor document.

(c) VULNERABILITIES.—The term “vulnerability” means a weakness in an information system or its components (for example, system security procedures, hardware design, internal controls) that could be exploited or could affect confidentiality, integrity, or availability of information.

(b) REPORTS ON PROCESS AND CRITERIA.—The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document or any successor document.

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a written report describing—

(A) with respect to each element of the intelligence community—

(i) the title of the official or officials responsible for determining whether, pursuant
to criteria contained in the Vulnerabilities Equities Policy and Process document or any successor document, a vulnerability must be submitted for review under the Vulnerabilities Equities Process; and
(ii) the process used by such element to make such determination; and
(B) the roles or responsibilities of that element.
(2) CHANGES TO PROCESS OR CRITERIA.—Not later than 30 days after any significant change is made to the process and criteria used by any element of the intelligence community for determining whether to submit a vulnerability for review under the Vulnerabilities Equities Process, such element shall submit to the congressional intelligence committees a report describing such change.
(3) FORM OF REPORTS.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.
(c) ANNUAL REPORTS.—
(1) IN GENERAL.—Not less frequently than once each calendar year, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report containing, with respect to the previous year:
(A) the number of vulnerabilities submitted for review under the Vulnerabilities Equities Process;
(B) the number of vulnerabilities described in subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process; and
(C) a representative sample of finished reports, in documented.
(2) UNCLASSIFIED INFORMATION.—Each report submitted under paragraph (1) shall include an unclassified appendix that contains—
(A) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process;
(B) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process known to have been patched.
(3) NON-DUPLICATION.—The Director of National Intelligence may forgo submission of an annual report pursuant to subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process, as described in paragraph 5.4 of the Vulnerabilities Equities Policy and Process document.
(4) FORM.—Each report submitted under paragraph (1) shall include an assessment of water insecurity described in such subsection with a global scope, but focus on areas of the world—
(A) of strategic, economic, agricultural, and environmental factors.
(2) ASSESSMENT SCOPE AND FOCUS.—Each report submitted under paragraph (1) shall include an assessment of water insecurity described in such subsection with a global scope, but focus on areas of the world—
(A) of strategic, economic, agricultural, and environmental factors.
(3) CONSULTATION.—In researching a report required by paragraph (1), the Director shall consult with—
(A) such stakeholders with the intelligence community, the Department of Defense, and the Department of State as the Director considers appropriate; and
(B) such additional Federal agencies and persons in the private sector as the Director considers appropriate.
(4) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
(b) BRIEFING ON EMERGING INFECTIOUS DISEASE AND PANDEMICS.—
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ‘‘appropriate congressional committees’’ means—
(A) the congressional intelligence committees;
(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives;
(C) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.
(2) FUTURE ERRORS.—Subsection (a) shall not apply to the date of the enactment of this Act, the Director of National Intelligence shall pro-
vide to the appropriate congressional committees a briefing on the anticipated geo-
political effects of emerging infectious disease (including deliberate, accidental, and naturally occurring infectious disease threats) and pandemics, and their implica-
tions on the national security of the United States.
(c) EXAMINATION OF RESPONSE CAPACITY.—In examining the risks, costs, and impacts of emerging infectious disease and a possible transnational pandemic under paragraph (3), the Director of National Intelligence shall submit to the congressional intelligence committees a report on the national security of the United States, including consideration of social, economic, agricultural, and environmental factors.
(d) EXAMINATION OF RESPONSE CAPACITY.—In researching a report required by paragraph (1), the Director shall consult with—
(A) such stakeholders within the intelligence community, the Department of Defense, and the Department of State as the Director considers appropriate; and
(B) such additional Federal agencies and persons in the private sector as the Director considers appropriate.
(4) FORM.—Each report submitted under paragraph (2) shall include an assessment of—
(A) the economic, social, political, and security risks, costs, and impacts of emerging infectious disease and a possible transnational pandemic under paragraph (3), the Director of National Intelligence shall submit to the congressional intelligence committees a report on the national security of the United States, including consideration of social, economic, agricultural, and environmental factors.
(3) FORM.—The briefing under paragraph (2) may be classified.
(4) EXAMINATION OF RESPONSE CAPACITY.—In examining the risks, costs, and impacts of emerging infectious disease and a possible transnational pandemic under paragraph (3), the Director of National Intelligence shall submit to the congressional intelligence committees a report on the national security of the United States, including consideration of social, economic, agricultural, and environmental factors.
(e) FORM.—The briefing under paragraph (2) may be classified.
SEC. 723. REPORTS ON GLOBAL WATER INSECURITY AND NATIONAL SECURITY IMPLICATIONS AND BRIEFING ON EMERGING INFECTIOUS DISEASES AND PANDEMICS.
(a) REPORTS ON GLOBAL WATER INSECURITY AND NATIONAL SECURITY IMPLICATIONS.—
(1) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 5 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the national security of the United States, including consideration of social, economic, agricultural, and environmental factors.
(2) ASSESSMENT SCOPE AND FOCUS.—Each report submitted under paragraph (1) shall include—
(A) the number of vulnerabilities submitted for review under the Vulnerabilities Equities Process;
(B) the number of vulnerabilities described in subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process; and
(C) a representative sample of finished reports, in documented.
(2) UNCLASSIFIED INFORMATION.—Each report submitted under paragraph (1) shall include an unclassified appendix that contains—
(A) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process; and
(B) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process known to have been patched.
(3) NON-DUPLICATION.—The Director of National Intelligence may forgo submission of an annual report pursuant to subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process, as described in paragraph 5.4 of the Vulnerabilities Equities Policy and Process document.
(4) FORM.—Each report submitted under paragraph (1) shall include an assessment of water insecurity described in such subsection with a global scope, but focus on areas of the world—
(A) of strategic, economic, agricultural, and environmental factors.
(3) CONSULTATION.—In researching a report required by paragraph (1), the Director shall consult with—
(A) such stakeholders with the intelligence community, the Department of Defense, and the Department of State as the Director considers appropriate; and
(B) such additional Federal agencies and persons in the private sector as the Director considers appropriate.
(4) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
(b) BRIEFING ON EMERGING INFECTIOUS DISEASE AND PANDEMICS.—
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ‘‘appropriate congressional committees’’ means—
(A) the congressional intelligence committees;
(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives;
(C) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.
(2) FUTURE ERRORS.—Subsection (a) shall not apply to the date of the enactment of this Act, the Director of National Intelligence shall pro-
SEC. 725. STUDY ON THE FEASIBILITY OF ENCRYPTING UNCLASSIFIED WIRELINE AND WIRELESS TELEPHONE CALLS.

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the feasibility of encrypting unclassified wireline and wireless telephone calls between personnel in the intelligence community.

(b) REPORT.—Not later than 90 days after the date on which the Director completes the study required by subsection (a), the Director shall submit to the congressional intelligence committees a report on the findings with respect to such study.

SEC. 726. MODIFICATION OF REQUIREMENT FOR ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.

(a) EXPANSION OF PERIOD OF REPORT.—Subsection (a) of section 114 of the National Security Act of 1947 (50 U.S.C. 3056) is amended by inserting “and the preceding 5 fiscal years” after “fiscal year.”

(b) CLARIFICATION ON DISAGREGATION OF DATA.—Subsection (b) of such section is amended, in the matter before paragraph (1), by striking “disaggregated by category of covered person” and inserting “data, disaggregated by category of covered person and by element of the intelligence community.”

SEC. 727. REPORTS ON INTELLIGENCE COMMUNITY LOAN REPAYMENT AND RETENTION PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there should be established, through the issuing of an Intelligence Community Directive or otherwise, an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, for employees of the intelligence community;

(2) creating such a program would enhance the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions;

(3) such a program, including with respect to eligibility requirements, should be designed so as to maximize the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions; and

(4) to the extent possible, such a program should be established throughout the intelligence community and publicly promoted by each element of the intelligence community to both current employees of the element as to prospective employees of the element.

(b) REPORT ON POTENTIAL INTELLIGENCE COMMUNITY-WIDE PROGRAM.—(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in cooperation with the heads of the elements of the intelligence community and the heads of any other appropriate department or agency of the Federal Government, shall submit to the congressional intelligence committees a report on the establishment and carrying out an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, as described in subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of the financial resources that the elements of the intelligence community would require to establish and initially carry out the program specified in paragraph (1).

(B) A description of the practical steps to establish and carry out such a program.

(C) The identification of any legislative action the Director determines necessary to establish and carry out such a program.

SEC. 728. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) CORRECTIVE PRO-TALKING MATERIAL WEAKNESSES.—Section 368 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259; 50 U.S.C. 3051 note) is hereby repealed.

(b) INTELLIGENCE THREAT ASSESSMENT AND COORDINATION GROUP.—Section 2103 of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

(1) by striking subsection (c); and

(2) by redesigning subsections (d) through (l) as subsections (c) through (h), respectively; and

(3) in subsection (c), as so redesignated—

(A) in paragraph (8), by striking “and” and inserting “;” and

(B) by striking paragraph (9).

(c) INSPECTOR GENERAL REPORT.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking subsection (g); and

(2) by redesigning subsections (h) and (i) as subsections (g) and (h), respectively.

SEC. 729. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REPORT ON SENIOR EXECUTIVES OF THE OF- FICE OF THE DIRECTOR OF NA- TIONAL INTELLIGENCE.

(a) SENIOR EXECUTIVE SERVICE POSITION DEFINED.—In this section, the term “Senior Executive Service position” has the meaning given that term in section 332(a)(2) of title 5, United States Code, and includes any position above the GS-15, step 10, level of the General Schedule under section 5332 of such title.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on the number of Senior Executive Service positions in the Office of the Director of National Intelligence.

(c) MATTERS INCLUDED.—The report under subsection (b) shall include the following:

(1) The number of Senior Executive Service positions for the Office of the Director of National Intelligence.

(2) Whether such requirements are reasonably based on the mission of the Office.

(3) A discussion of how the number of the Senior Executive Service positions in the Office of the Director of National Intelligence compares to the number of comparable positions at comparable organizations.

(d) COOPERATION.—The Director of National Intelligence shall provide the Inspector General of the Intelligence Community any information requested by the Inspector General of the Intelligence Community that is necessary for the Inspector General to fulfill the responsibilities under this section by not later than 14 calendar days after the date on which the Inspector General of the Intelligence Community makes such request.
(10) The provision of services, including banking and other support, including by entities located in the Russian Federation, China, and Iran.

(11) Online commercial activities of the Government of North Korea, including online gambling.

(12) Criminal activities, including cyber-enabled theft of overseas goods.

(b) ELEMENTS.—The assessment required under subsection (a) shall include an identification of each of the following:

(1) The nature of North Korea’s funding.

(2) Financial and non-financial networks, including supply chain management, transportation, and facilitation, through which North Korea finances the United States and international financial systems and repatriates and exports capital, goods, and services; and

(3) The global financial institutions, money services business, and payment systems that assist North Korea with financial transactions.

(c) SUBMITTAL TO CONGRESS.—Upon completion of the assessment required under subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees a copy of such assessment.

SEC. 732. REPORT ON POSSIBLE EXPLOITATION OF VIRTUAL CURRENCIES BY TERRORIST ACTORS.

(a) Short Title.—This section may be cited as the “Stop Terrorist Use of Virtual Currencies Act”.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the possible exploitation of virtual currencies by terrorist actors. Such report shall include the following elements:

(1) An assessment of the means and methods by which international terrorist organizations and States sponsors of terrorism use virtual currencies.

(2) An assessment of the use by terrorist organizations and State sponsors of terrorism of virtual currencies compared to the use by such organizations and States of other forms of financing to support operations, including an assessment of the collection posture of the intelligence community on the use of virtual currencies by such organizations and States.

(3) A description of any existing legal impediments that inhibit or prevent the intellectual property or collecting information on or helping prevent the use of virtual currencies by international terrorist organizations and State sponsors of terrorism and an identification of any gaps in existing law that could be exploited for illicit funding by such organizations and States.

(c) FORM OF REPORT.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

Title C—Other Matters

SEC. 741. PUBLIC INTEREST DECLASSIFICATION ACT OF 2018.

Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106–567; 50 U.S.C. 3161 note) is amended by striking “December 31, 2028” and inserting “December 31, 2023”.

SEC. 742. SECURING ENERGY INFRASTRUCTURE.

(a) Definitions.—In this section:

(1) The term “congressional committee” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs; and

(C) the Committee on Energy and Natural Resources of the Senate; and

(2) The Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

(b) COVERED ENTITY.—The term “covered entity” means an entity identified pursuant to section 9(a) of Executive Order 13636 of November 1, 2013, relating to identification of critical infrastructural where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(c) EXPLOIT.—The term “exploit” means a software tool designed to take advantage of a security control.

(d) INDUSTRIAL CONTROL SYSTEM.—The term “industrial control system” means an operational technology used to measure, control, or manage industrial functions, and includes supervisory control and data acquisition systems, distributed control systems, and programmable logic or embedded controllers.

(e) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(f) PROGRAM.—The term “Program” means the pilot program established under subsection (b).

(g) SECRETARY.—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Energy.

(h) SECURITY VULNERABILITY.—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(i) VOLUNTARY ACTIVITIES.—Nothing in this section subjects any covered entity to liability for not engaging in the voluntary activities authorized under subsection (b).

Section 9(a) is amended by inserting “(B) to develop a national cyber-informed standards and development strategy to—” after “(A) for not engaging in the voluntary activities authorized under subsection (b).”.

(j) Authorization of Appropriations.—Nothing in this section subjects any covered entity to liability for not engaging in the voluntary activities authorized under subsection (b).

(k) Authorization of Appropriations.—Nothing in this section subjects any covered entity to liability for not engaging in the voluntary activities authorized under subsection (b).

(l) AUTHORIZATION OF APPROPRIATIONS.—


(2) The Nuclear Regulatory Commission.

(3) The Office of the Director of National Intelligence.

(4) The Department of Defense.


(6) A State or regional energy agency.

(7) A national research body or academic institution.

(8) The National Laboratories.


(11) The Industrial Control Systems Cyber Emergency Response Team.

(12) A national research body or academic institution.

(13) The National Laboratories.


(16) The Industrial Control Systems Cyber Emergency Response Team.

(17) A national research body or academic institution.

(18) The National Laboratories.


(21) The Industrial Control Systems Cyber Emergency Response Team.

(22) A national research body or academic institution.

(23) The National Laboratories.


(26) The Industrial Control Systems Cyber Emergency Response Team.

(27) A national research body or academic institution.

(28) The National Laboratories.


(31) The Industrial Control Systems Cyber Emergency Response Team.

(32) A national research body or academic institution.

(33) The National Laboratories.


(36) The Industrial Control Systems Cyber Emergency Response Team.

(37) A national research body or academic institution.

(38) The National Laboratories.


(41) The Industrial Control Systems Cyber Emergency Response Team.

(42) A national research body or academic institution.

(43) The National Laboratories.


(47) A national research body or academic institution.

(48) The National Laboratories.

(49) The Federal Energy Regulatory Commission.


(51) The Industrial Control Systems Cyber Emergency Response Team.

(52) A national research body or academic institution.

(53) The National Laboratories.


(56) The Industrial Control Systems Cyber Emergency Response Team.

(57) A national research body or academic institution.

(58) The National Laboratories.


(60) The Department of Homeland Security.

(61) The Industrial Control Systems Cyber Emergency Response Team.

(62) A national research body or academic institution.

(63) The National Laboratories.

(64) The Federal Energy Regulatory Commission.


(66) The Industrial Control Systems Cyber Emergency Response Team.

(67) A national research body or academic institution.

(68) The National Laboratories.


(71) The Industrial Control Systems Cyber Emergency Response Team.

(72) A national research body or academic institution.

(73) The National Laboratories.


(76) The Industrial Control Systems Cyber Emergency Response Team.

(77) A national research body or academic institution.

(78) The National Laboratories.


(81) The Industrial Control Systems Cyber Emergency Response Team.

(82) A national research body or academic institution.

(83) The National Laboratories.


(86) The Industrial Control Systems Cyber Emergency Response Team.

(87) A national research body or academic institution.

(88) The National Laboratories.


(91) The Industrial Control Systems Cyber Emergency Response Team.
SEC. 743. BUG BOUNTY PROGRAMS.

(a) Definitions.—In this section:

(1) appropriate committees of Congress.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(2) Bug bounty program.—The term "bug bounty program" means a program under which—

(A) the Secretary of Defense, in consultation with the Secretary of Defense, shall coordinate an appropriate cyber defense strategy with the appropriate agencies and departments of the United States; and

(B) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(3) Information system.—The term "information system" has the meaning given that term in section 3092 of title 44, United States Code.

(4) Initiation.—The term "initiation" means—

(A) the date on which the Secretary of Defense submits to the Committee on Armed Services of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Armed Services of the House of Representatives a report on the number of eligible private sector employees participating in the pilot program.

(B) the date on which the Secretary of Defense submits to the Committee on Armed Services of the House of Representatives a report on the number of eligible private sector employees participating in the pilot program.

(5) Pilot program.—The term "pilot program" means a program—

(A) that is consistent with section 2167 of title 10, United States Code; and

(B) that is consistent with section 2167 of title 10, United States Code.

(b) Bug Bounty Program Plan.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall coordinate an appropriate cyber defense strategy for Congress a strategic plan for appropriate agencies and departments of the United States to implement bug bounty programs.

(2) Pilot plan required by paragraph (1) shall include—

(A) an assessment of—

(i) the "Hack the Pentagon" pilot program carried out by the Department of Defense in 2016 and subsequent bug bounty programs in identifying and reporting vulnerabilities within the information systems of the Department of Defense; and

(ii) private sector bug bounty programs, including such programs implemented by leading technology companies in the United States; and

(B) recommendations on the feasibility of initiating bug bounty programs at appropriate agencies and departments of the United States.

SEC. 744. MODIFICATION OF AUTHORITIES RELATING TO THE NATIONAL INTELLIGENCE UNIVERSITY.

(a) Civilian Faculty Members; Employment and Compensation.—

(1) IN GENERAL.—Section 1595(c) of title 10, United States Code, is amended by adding at the end the following:

"(5) The National Intelligence University.

(2) COMPENSATION PLAN.—The Secretary of Defense shall provide each person employed as a full-time professor, instructor, or lecturer at the National Intelligence University on the date of the enactment of this Act an opportunity to elect to be paid under the compensation plan in effect on the day before the date of enactment of this Act (with no reduction in pay) or under the authority of section 1595 of title 10, United States Code, as amended by paragraph (1).

(b) FACULTY RESEARCH GRANTS.—Section 2161 of title 10, United States Code, is amended by adding at the end the following:

"(d) GRANTS TO THE NATIONAL INTELLIGENCE UNIVERSITY.—The Secretary of Defense may authorize the President of the National Intelligence University to accept qualifying research grants in the same manner to a faculty member at the National Intelligence University in a manner consistent with the rank and status of the faculty member.

(c) PILOT PROGRAM ON ADMISSION OF PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION.—

(1) PILOT PROGRAM REQUIRED.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a pilot program to assess the feasibility and advisability of permitting eligible private sector employees who work in information systems of a Government agency or department of the United States in exchange for compensation.

(B) DURATION.—The Secretary shall carry out the pilot program for a period beginning on the date of the commencement of the pilot program.

(C) EXISTING PROGRAM.—The Secretary shall carry out the pilot program in a manner that is consistent with section 2167 of title 10, United States Code.

(D) NUMBER OF PARTICIPANTS.—No more than the equivalent of 25 full-time student positions may be filled at any one time by private sector employees enrolled under the pilot program.

(E) DIPLOMAS AND DEGREES.—Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate diploma or degree under section 2161 of title 10, United States Code.

(2) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—

(A) IN GENERAL.—For purposes of this subsection, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense, the intelligence community, other Government departments or agencies significant and substantial intelligence or defense-related systems, products, or services whose or whose product is relevant to national security policy or strategy.

(B) LIMITATION.—Under this subsection, a private sector employee admitted for instruction at the National Intelligence University remains eligible for such instruction only so long as that person remains employed by the same firm, holds appropriate security clearances, and complies with any other applicable security protocols.

(3) ANNUAL CERTIFICATION BY SECRETARY OF DEFENSE.—Under the pilot program, private sector employees may receive instruction at the National Intelligence University during any academic year only if, before the start of that academic year, the Secretary of Defense determines, and certifies to the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, that providing instruction to private sector employees under this section during the academic year will further the national security interests of the United States.

(4) PILOT PROGRAM REQUIREMENTS.—The Secretary of Defense shall require that—

(A) the curriculum in which private sector employees may be enrolled under the pilot program is not readily available through other schools and concentrates on national security-relevant issues; and

(B) the course offerings at the National Intelligence University are determined by the needs of the Department of Defense and the intelligence community.

(5) TUITION.—The President of the National Intelligence University shall charge students enrolled under the pilot program a rate that—

(A) is at least the rate charged for employees of the United States outside the Department of Defense, less infrastructure costs; and

(B) considers the value to the school and course of the private sector student.

(6) STANDARDS OF CONDUCT.—While receiving instruction at the National Intelligence University, students enrolled under the pilot program, to the extent practicable, are subject to the same standards of conduct as apply to Government civilian employees receiving instruction at the university.

(7) USE OF FUNDS.—

(A) IN GENERAL.—Amounts received by the National Intelligence University for instruction of students enrolled under the pilot program shall be retained by the university to defray the costs of such instruction.

(B) RECORDS.—The records, disposition, of such funds shall be specifically identified in records of the university.

(8) REPORTS.—

(A) ANNUAL REPORTS.—Each academic year in which the pilot program is carried out, the Secretary shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the number of eligible private sector employees participating in the pilot program.

(B) FINAL REPORT.—Not later than 90 days after the date of the conclusion of the pilot program, the Secretary shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the findings of the Secretary with respect to feasibility and advisability of permitting eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Intelligence University; and recommendations as to whether the pilot program should be extended.

SEC. 745. TECHNICAL AND CLERICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947

(a) Table of Contents.—The table of contents at the beginning of the National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) by inserting after the item relating to section 2 the following new item:

"Sec. 3. Definitions.";

(2) by striking the item relating to section 107;

(3) by striking the item relating to section 113B and inserting the following new item: "Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions.");

(4) by striking the items relating to sections 202, 203, 204, 208, 209, 210, 211, 212, 213, and 214; and

(5) by inserting after the item relating to section 311 the following new item: "Sec. 312. Repealing and saving provisions.");

(b) Other Technical Corrections.—Such Act is further amended—

(1) in section 102A—

(A) in subparagraph (G) of paragraph (1) of subsection (a), by moving the margins of such subparagraph 2 ems to the left; and

(B) in paragraph (3) of subsection (v), by moving the margins of such paragraph 2 ems to the left;

(2) in section 106—

(A) by inserting "Sec. 106" before "(a)"; and

(B) in subparagraph (1) of paragraph (2) of subsection (b), by moving the margins of such subparagraph 2 ems to the left;

(3) by striking section 107;

(4) in section 108(c), by striking "in both a classified and an unclassified form" and inserting "to Congress in classified form, but may include an unclassified summary";

(5) in section 112(c)(1), by striking "section 106A" and inserting "section 102A";

(6) by amending section 201 to read as follows:...
“SEC. 201. DEPARTMENT OF DEFENSE.

“Except to the extent inconsistent with the provisions of this Act or other provisions of law, the provisions of title 5, United States Code, shall be applicable to the Department of Defense.”;

(7) in section 205, by redesignating subsection (b) and (c) as subsections (a) and (b), respectively; and

(8) in section 206, by striking “(a)”; and

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

(10) by redesigning subsection (a) and (b) of this Act and inserting “sections 2, 101, 102, 103, and 303 of this Act”;

(11) by redesigning section 411 as section 412;

(12) in section 503—

(A) in paragraph (5) of subsection (c)—

(i) by moving the margins of such paragraph two ems to the left; and

(ii) by moving the margins of subparagraph (B) of such paragraph 2 ems to the left; and

(B) in paragraph (2) of subsection (d), by moving the margins of such paragraph 2 ems to the left; and

(13) in subparagraph (B) of paragraph (3) of subsection (a) of section 504, by moving the margins of such subparagraph 2 ems to the right.

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

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.—Section 232(b) of the National Nuclear Security Administration Act (50 U.S.C. 2423(b)) is amended—

(1) in subparagraph (E), by inserting “Department’’; and

(2) by inserting “and” after “The Department of” and inserting “Department”;

(b) ATOMIC ENERGY DEFENSE ACT.—Section 452(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2674(b)(2)) is amended—

(1) in paragraph (E), by striking “Department’’; and

(2) by inserting “and” after “The Director of” and inserting “Department’’;

(c) NATIONAL SECURITY ACT OF 1947.—Paragraph (2) of section 106(b) of the National Security Act of 1947 (50 U.S.C. 3041(b)(2)) is amended—

(1) in subparagraph (E), by inserting “and Counterintelligence’’ after “Office of Intelligence’’;

(2) by striking subparagraph (F); and

(3) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and

(4) by striking paragraph (H), as so redesignated, by realigning the margins of such subparagraph 2 ems to the left.

SEC. 747. SENSE OF CONGRESS ON NOTIFICATION OF CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) DEFINITIONS.—In this section:

(1) ADVISORY FOREIGN GOVERNMENT.—The term “advisory foreign government” means the government of any of the following foreign countries:

(A) North Korea.

(B) Iran.

(C) China.

(D) Russia.

(E) on their foreign intelligence relationships, as established pursuant to law by the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, or other head of an element of the intelligence community.

(2) ESTABLISHED INTELLIGENCE CHANNELS.—The term “established intelligence channels” means methods to exchange intelligence often abetted by state actors and should resemble a nonstate hostile intelligence service or agencies.

(3) COVERED CLASSIFIED INFORMATION.—The term “covered classified information” means classified information that was—

(A) collected by an element of the intelligence community;

(B) provided by the intelligence service or military of a foreign country to an element of the intelligence community.

(4) INDIVIDUAL IN THE EXECUTIVE BRANCH.—The term “individual in the executive branch” means any officer or employee of the executive branch, including individuals—

(A) in a position specified in article II of the Constitution;

(B) appointed to a position by an individual described in subparagraph (A); or

(C) serving on behalf of the Senior Executive Service (or similar service for senior executives of particular departments or agencies).

(b) FINDINGS.—Congress finds that section 502 of the National Security Act of 1947 (50 U.S.C. 3092) requires elements of the intelligence community to keep the congressional intelligence committees “fully and currently informed” about all “intelligence activities” of the United States, and to “furnish to the congressional intelligence committees any information or material concerning intelligence activities * * * which is requested by either of the congressional intelligence committees in order to carry out their authorized responsibilities.”

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) section 502 of the National Security Act of 1947 (50 U.S.C. 3092), together with other intelligence community authorities, obligates an element of the intelligence community to submit intelligence committees written notification, by not later than 7 days after becoming aware, that an individual in the executive branch has disclosed covered classified information to an official of an adversary foreign government using methods other than established intelligence channels; and

(2) each such notification should include—

(A) the date and place of the disclosure of classified information covered by the notification;

(B) a description of such classified information;

(C) identification of the individual who made such disclosure and the individual to whom such disclosure was made; and

(D) a summary of the circumstances of such disclosure.

SEC. 748. SENSE OF CONGRESS ON CONSIDERATION OF ESPIONAGE ACTIVITIES WHEN CONSIDERING WHETHER OR NOT TO PROVIDE VISAS TO FOREIGN INDIVIDUALS TO BE ACCREDITED TO A UNITED NATIONS MISSION IN THE UNITED STATES.

It is the sense of Congress that the Secretary of State, in considering whether or not to provide a visa to a foreign individual to be accredited to a United Nations mission in the United States, should consider—

(1) known and suspected intelligence activities, espionage activities, including activities constituting procurers to espionage, carried out by the individual against the United States, foreign allies of the United States, or foreign partners of the United States; and

(2) the status of an individual as a known or suspected intelligence officer for a foreign adversary.

SEC. 749. SENSE OF CONGRESS ON WIKILEAKS.

It is the sense of Congress that WikiLeaks and the senior leadership of WikiLeaks resemble a nonstate hostile intelligence service often abetted by state actors and should be treated as such a service by the United States.

SA 715. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 1023, strike “for Fiscal Year 2018’’ and insert “for Fiscal Year 2019’’.

SA 716. Mr. HAWLEY submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE XXXVI—PROTECT OUR UNIVERSITIES

SEC. 3601. SHORT TITLE.

This title may be cited as the “Protect Our Universities Act of 2019’’.

SEC. 3602. FINDINGS.

Congress finds the following:

(1) The United States enjoys one of the most vibrant and open educational systems in the world. The free flow of ideas has led to the development of new methodologies and new modes of thinking. The openness of the system also puts it at risk. Adversaries of the United States take advantage of access to federally funded sensitive research that takes place on the campuses of institutions of higher education.

(2) According to Alex Joske of the Australian Strategic Policy Institute, there are thousands of scientists with links to China’s People’s Liberation Army who have traveled to American universities over the last several years. In his report, the Chinese military’s tactic as “picking flowers in foreign lands to make honey in China”.

(3) As stated in the January 2018 China’s Technology Transfer Strategy report by the Defense Innovation Unit, “Academia is an open and free exchange of ideas. As a result, Chinese science and engineering students frequently master technologies that become critical components of the American high-tech industry, sometimes amounting over time to unintentional violations of U.S. export control laws.”.

(4) In Federal Bureau of Investigation (FBI) Director Wray’s testimony, there are non-traditional intelligence collectors “exploiting the very open research and development environment that we have, which we all revere. But they’re taking advantage of it, so one of the things we’re trying to do is view the China threat as not just the whole-of-government threat, but a whole-of-society threat on their end, and it’s going to take a whole-of-society response by us.”.

(5) Russia has also attempted to exploit the openness of our university system for intelligence purposes. In 2012, for instance, the Russian Foreign Intelligence Service (SVR) tasked an undercover officer at Columbia University with recruiting classmates or professors who might have access to sensitive information.

(6) Iran poses a similar threat. In 2012, President Barack Obama signed into law the Freedom of Access to Nonhuman Rights Act of 2012 (Public Law 112–158), which prohibited issuance of a student visa to any Iranian who wished to pursue a degree in the fields of Iranian energy, nuclear science, or nuclear engineering sectors, or related fields.
(7) The United States recognizes the great value of appropriate openness and the security need of striking a balance with asset protection.

(8) However, technology and information that could be deemed sensitive to the national security interests of the United States should be given increased scrutiny to determine if access should be restricted in a research environment.

(9) An open federally funded research environment exposes the United States to the possibility of international research affilied with current or future critical military technological systems.

(b) The Inspector General preserves the openness of America’s higher education system, while preventing adversaries from exploiting that system in furtherance of their own repressive agendas.

SEC. 3603. TASK FORCE AND SENSITIVE RESEARCH PROJECT DESIGNATION.

(a) TASK FORCE ESTABLISHED.—Not later than one year after the date of enactment of this title, the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall establish the National Security Technology Task Force (hereinafter referred to as the “Task Force”) to address the threat of espionage targeting research and development at institutions of higher education that is funded in part or whole by any member agency of the Task Force.

(b) MEMBERSHIP.—

(1) DESIGNATION.—

(A) In general.—The Task Force shall include not more than 30 members as follows:

(i) At least 1 representative shall be from the Department of Homeland Security, designated by the Secretary of Homeland Security.

(ii) The Secretary of Homeland Security shall coordinate with the following in order to secure their participation on the Task Force:

(A) The Director of the National Intelligence, who shall designate by the Secretary of Homeland Security Technology Task Force (hereinafter referred to as the “Task Force”) to address the threat of espionage targeting research and development at institutions of higher education that is funded in part or whole by any member agency of the Task Force.

(B) The United States Attorney General for at least 1 representative from the Department of Justice.

(C) The Director of the Federal Bureau of Investigation for at least 1 representative from the Federal Bureau of Investigation.

(D) The Secretary of Energy for at least 1 representative from the Department of Energy.

(E) The Secretary of Education for at least 1 representative from the Department of Education.

(F) Any other office of the Secretary of State and the Director of National Intelligence, and the United States Attorney General designated by the Task Force shall perform a background screening, to their grantmaking agency, who shall—

(i) reinitiate the process detailed in paragraph (1); and

(ii) provide an update list of agency-funded sensitive research projects to the Office of the Director of National Intelligence.

(c) SENSITIVE RESEARCH TOPICS LIST.—The Task Force shall maintain a list of topics determined sensitive by one or more Task Force member agencies. Such list shall be referred to as “Sensitive Research Topics List” and be populated and maintained in accordance with the following:

(1) Not later than 90 days after the date of enactment of this title, each Task Force member agency shall generate an initial list of research topics determined sensitive for national security reasons and submit such list to the Office of the Director of National Intelligence.

(2) Each Task Force member agency shall update their respective list of sensitive research topics, based on changes to the Office of National Intelligence.

(3) Task Force member agency inputs described in paragraphs (1) and (2) shall be added to—

(A) any item listed on the Commerce Control List (CCL) maintained by the Department of Commerce; and

(B) any item listed on the United States Munitions List maintained by the Department of State.

(4) Not later than 90 days after receipt of Task Force member agency inputs described in paragraphs (1) and (2), the Office of the Director of National Intelligence shall compile the inputs and the first Sensitive Research Topics List to all Task Force member agencies. Thereafter, the Office of the Director of National Intelligence shall maintain an updated list of the research topics based on Task Force member agency inputs and any changes to the Commerce Control List and the United States Munitions List, and ensure that an updated version of the Sensitive Research Topics List is available to all of the Task Force member agencies.

(d) SENSITIVE RESEARCH PROJECTS LIST.—The Task Force shall maintain a list of projects funded by Task Force member agencies and addressing sensitive research topics. Such list shall be referred to as the “Sensitive Research Projects List” and be populated and maintained in accordance with the following:

(1) Not later than 90 days after the first issuance of the Sensitive Research Topics List, each Task Force member agency shall identify any ongoing or scheduled projects that—

(A) receive or are scheduled to receive funding from said agency;

(B) involve personnel from an institution of higher education; and

(C) address one or more topics found on the Sensitive Research Topics List.

(2) The Task Force shall collect the following information relevant to each project identified in paragraph (1):

(A) The Task Force member agency that is funding the project.

(B) Which topic on the Sensitive Research Topics List is open to student participation, the head of such project at the institution of higher education at which the project is being carried out shall—

(i) reinitiate the process detailed in paragraph (1); and

(ii) provide an update list of agency-funded sensitive research projects to the Office of the Director of National Intelligence.

(c) INSTRUCTION WITH OIG.—The Task Force shall periodically, and at least annually, consult with the Office of the Inspector General of the Department of Homeland Security, which shall inspect related to such activities.

(f) REPORT TO INSTITUTIONS OF HIGHER EDUCATION.—Not less frequently than annually, the Task Force shall provide a report to the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, the Select Committee on Intelligence of the Senate, and to the Committee on Homeland Security, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives, regarding the threat of espionage at institutions of higher education. In each such briefing, the Task Force shall identify actions that may be taken to reduce espionage carried out through student participation in sensitive research projects. The Task Force shall also include in this report an assessment of whether the current licensing regulations related to the International Traffic in Arms Regulations and the Export Administration Regulations are sufficient to protect the security of the projects listed on the Sensitive Research Projects List.

SEC. 3604. FOREIGN STUDENT PARTICIPATION IN SENSITIVE RESEARCH PROJECTS.

(a) APPROVAL OF FOREIGN STUDENT PARTICIPATION REQUIRED.—

(1) IN GENERAL.—Beginning on the date that is one year after the date of enactment of this title, for each project on the Sensitive Research Projects List that is open to student participation, the head of such project at the institution of higher education at which the project is being carried out shall—

(A) obtain proof of citizenship from any student participating or expected to participate in such project before the student is permitted to participate in such project; and

(B) for any student who is a citizen of a country identified in subsection (b), submit the required information, to be defined in coordination with the Secretary of Commerce, to the Task Force to perform the background screening, to their grantmaking agency, who shall transmit that information in a stand-alone database maintained by the Task Force in coordination with the Office designated by the Task Force to perform the background screening, to the office designated by the Task Force to perform the background screening, to the office designated by the Task Force to perform the background screening.

(b) BACKGROUND SCREENING.—An office designated by the Task Force shall perform a
background screening of a student described in paragraph (1) and approve or deny the student’s participation in the relevant project within 90 days of receipt of the initial request for approval or denial of a student’s participation in a sensitive research project.

(A) the scope of any such screening shall be determined by the designated office in consultation with the Task Force, with reference to the specific project and the requirements of the grantmaking agency;

(B) the Secretary of Homeland Security, as head of the Task Force, shall retain authority to approve or deny student participation in a sensitive research project in 30-day increments, as needed in coordination with Task Force members and agencies;

(C) an institution of higher education will maintain the right to petition findings and contest the outcome of a screening.

(b) List of Citizenship Requirement Approval.—Approval under subsection (a) shall be required for any student who is a citizen of a country that is one of the following:

(1) The People’s Republic of China.

(2) The Russian Federation.

(3) The Islamic Republic of Iran.

SEC. 3605. FOREIGN ENTITIES.

(a) List of Foreign Entities that Pose an Intelligence Threat.—Not later than one year after the date of the enactment of this title, the Secretary of Homeland Security shall coordinate with the Director of National Intelligence to identify foreign entities, including governments, corporations, nonprofit and for-profit organizations, and any subsidiary or affiliate of such an entity, that pose a threat to the classified national security information described in paragraph (1) of section 3604.

(b) Notice to Institutions of Higher Education.—Beginning on the date that is one year after the date of the enactment of this title, the Secretary of Homeland Security shall provide such information to each institution of higher education.

(c) Participation of Sensitive Research Project.—Any institution of higher education that has held or holds citizenship or holds permanent residency will be required for any student who is a citizen of a country that is one of the following:

(1) The People’s Republic of China.

(2) The Russian Federation.

(3) The Islamic Republic of Iran.

SEC. 3606. ENFORCEMENT.

The Secretary of Homeland Security shall take such steps as may be necessary to enforce the requirements of subsections (a) and (b) of this section. Upon determination that the head of a sensitive research project has failed to meet the requirements of either section 3604 or section 3605, the Secretary of Homeland Security may determine the appropriate enforcement action, including:

(1) imposing an enforcement period, not to exceed 6 months, on the head of such project, or on the project;

(2) reducing or otherwise limiting the funding for such project until the violation has been remedied;

(3) permanently cancelling the funding for such project; or

(4) any other action the head of the qualified funding agency determines to be appropriate.

SEC. 3607. DEFINITIONS.

In this title:

(1) CITIZEN OF A COUNTRY.—The term “citizen of a country,” with respect to a student, includes all countries in which the student has held or holds citizenship or holds permanent residency.

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” means an institution described in subsection 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that receives Federal funds in any amount and for any purpose.

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

(4) QUALIFIED FUNDING AGENCY.—The term “qualified funding agency”, with respect to a sensitive research project, means—

(A) the Department of Defense, if the sensitive research project is funded in whole or in part by the Department of Defense;

(B) the Department of Energy, if the sensitive research project is funded in whole or in part by the Department of Energy; or

(C) an element of the intelligence community, if the sensitive research project is funded in whole or in part by the element of the intelligence community.

(5) SENSITIVE RESEARCH PROJECT.—The term “sensitive research project” means a research project at an institution of higher education that is funded by a Task Force member agency, except that such term shall not include any research project that is classified or that requires the participants in such project to obtain a security clearance.

(6) STUDENT PARTICIPATION.—The term “student participation” means any student activity of a student with access to sensitive research project-specific information for any reason.

SEC. 3608. EXCLUSION FROM ACTIVITY-DUTY PERSONNEL END STRENGTH LIMITATION.

In this section, the term “personnel assigned for duty in connection with the foreign military sales program” means—

(a) EXCLUSION.—Except as provided in subsection (b), members of the Armed Forces on active duty who are assigned to an entity specified in subsection (b) for duty in connection with the Foreign Military Sales program shall not count toward any end strength limitation.

(b) SPECIFIED ENTITIES.—The entities specified in this section are the following:

(1) The military departments.

(2) The Defense Security Cooperation Agency.

(3) The combatant commands.

(4) The Joint Chiefs of Staff.

(5) The Secretary of Defense.

(6) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

SEC. 3609. TRANSFER OF EXCESS AIR FORCE MQ-1 PREDATOR REMOTELY PILOTED AIRCRAFT AND RELATED EQUIPMENT.

(a) OFFER OF FIRST REFUSAL OUTSIDE DO—D.

(1) IN GENERAL.—Upon a determination that aircraft or equipment specified in subsection (b) is also excess to the requirements of all components of the Department of Defense, the Secretary of the Air Force shall offer to the Secretary of Homeland Security to transfer such aircraft or equipment to the Secretary of Homeland Security for use by U.S. Customs and Border Patrol.

(b) TIMING OF OFFER.—Any offer under this subsection for aircraft or equipment shall be made before such aircraft or equipment is otherwise disposed of outside the Department of Defense.

(c) AIRCRAFT AND EQUIPMENT.—The aircraft and equipment specified in this subsection is the following:

(1) Retired MQ-1 Predator remotely piloted aircraft of the Air Force that are excess to Department of the Air Force requirements.

(2) Initial spare MQ-1 Predator remotely piloted aircraft of the Air Force that are excess to Department of the Air Force requirements.

(3) Ground support equipment of the Air Force for MQ-1 Predator remotely piloted aircraft that is excess to such requirements.

(d) DEMILITARIZATION.—Any aircraft or equipment transfered under this section shall be demilitarized before transfer. The cost of any aircraft or equipment so transferred, and the cost of transfer, shall be borne by the Secretary of Homeland Security.

(e) USE OF TRANSFERRED AIRCRAFT AND EQUIPMENT.—Any aircraft or equipment transferred to the Secretary of Homeland Security pursuant to this section shall be used by the Commissioner of U.S. Customs and Border Patrol for border security, enforcement of the immigration laws, and related purposes.

SEC. 3610. AMENDMENT TO DEPARTMENT OF THE AIR FORCE ACT.

(a) OFFER OF FIRST REFUSAL OUTSIDE DO.—D.

(1) IN GENERAL.—Upon a determination that aircraft or equipment specified in subsection (b) is excess to the requirements for the Department of the Air Force, the Secretary of the Air Force shall offer to the Secretary of Homeland Security to transfer such aircraft or equipment to the Secretary of Homeland Security for use by U.S. Customs and Border Patrol.

(b) MILITARY SALES PROGRAM.

(1) The military departments.

(2) The Joint Chiefs of Staff.

(3) The Secretary of Defense.

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(5) The Secretary of the Air Force.

(c) SPECIFIED ENTITIES.—The entities specified in this subsection are the following:

(1) The military departments.

(2) The Defense Security Cooperation Agency.

(3) The combatant commands.

SEC. 3611. TRANSFER OF EXCESS AIR FORCE MQ-1 PREDATOR REMOTELY PILOTED AIRCRAFT AND RELATED EQUIPMENT TO THE SECRETARY OF THE DEPARTMENT OF HOME SECURITY FOR U.S. CUSTOMS AND BORDER PATROL PURPOSES.

(a) OFFER OF FIRST REFUSAL OUTSIDE DO.—D.

(1) IN GENERAL.—Upon a determination that aircraft or equipment specified in subsection (b) is also excess to the requirements of all components of the Department of Defense, the Secretary of the Air Force shall offer to the Secretary of Homeland Security to transfer such aircraft or equipment to the Secretary of Homeland Security for use by U.S. Customs and Border Patrol.

(b) MILITARY SALES PROGRAM.

(1) The military departments.

(2) The Joint Chiefs of Staff.

(3) The Secretary of Defense.

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(5) The Secretary of the Air Force.

(c) SPECIFIED ENTITIES.—The entities specified in this subsection are the following:

(1) The military departments.

(2) The Defense Security Cooperation Agency.

(3) The combatant commands.

(4) The Joint Chiefs of Staff.

(5) The Secretary of Defense.

(6) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(7) The Secretary of the Air Force.

(d) DEMILITARIZATION.—Any aircraft or equipment transferred under this section shall be demilitarized before transfer. The cost of any aircraft or equipment so transferred, and the cost of transfer, shall be borne by the Secretary of Homeland Security.

(e) USE OF TRANSFERRED AIRCRAFT AND EQUIPMENT.—Any aircraft or equipment transferred to the Secretary of Homeland Security pursuant to this section shall be used by the Commissioner of U.S. Customs and Border Patrol for border security, enforcement of the immigration laws, and related purposes.

SEC. 3612. AMENDMENT TO DEPARTMENT OF THE AIR FORCE ACT.

(a) OFFER OF FIRST REFUSAL OUTSIDE DO.—D.

(1) IN GENERAL.—Upon a determination that aircraft or equipment specified in subsection (b) is excess to the requirements for the Department of the Air Force, the Secretary of the Air Force shall offer to the Secretary of Homeland Security to transfer such aircraft or equipment to the Secretary of Homeland Security for use by U.S. Customs and Border Patrol.

(b) MILITARY SALES PROGRAM.

(1) The military departments.

(2) The Joint Chiefs of Staff.

(3) The Secretary of Defense.

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(5) The Secretary of the Air Force.

(c) SPECIFIED ENTITIES.—The entities specified in this subsection are the following:

(1) The military departments.

(2) The Defense Security Cooperation Agency.

(3) The combatant commands.

(4) The Joint Chiefs of Staff.

(5) The Secretary of Defense.

(6) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(7) The Secretary of the Air Force.
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 XV, add the following:

Subtitle C—Withdrawal of Armed Forces From Afghanistan

SEC. 1531. FINDINGS.

Congress makes the following findings:

(1) The Joint Resolution to authorize the use of United States Armed Forces against those responsible for the attacks launched against the United States (Public Law 107–40) states: "That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001." (2) Since 2001, more than 3,002,636 men and women of the United States Armed Forces have deployed in support of the Global War on Terror with a $2,500 bonus to recognize that these Americans have served in the Global War On Terrorism exclusively on a volunteer basis and to demonstrate the heartfelt gratitude of our Nation.

(3) In November 2009 there were fewer than 100 Al-Qaeda members remaining in Afghanistan.

(4) On May 2, 2011, Osama Bin Laden, the founder of Al-Qaeda, was killed by United States troops in Pakistan.

(5) United States Armed Forces have successfully routed Al-Qaeda from the battlefield in Afghanistan, thus fulfilling the original intent of Public Law 107–40 and justification for the invasion of Afghanistan, but public support for United States continued presence in Afghanistan has waned in recent years.

(6) An October 2018 poll found that 57 percent of Americans, including 69 percent of United States veterans, believe that all United States troops should be removed from Afghanistan.

(7) In June 2018, the Department of Defense reported, "The al-Qaeda threat to the United States and partners has decreased and the few remaining al-Qaeda core members are focused on their own survival".

SEC. 1532. WITHDRAWAL OF UNITED STATES ARMED FORCES FROM AFGHANISTAN.

(a) PLAN REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense, or designee, in cooperation with the heads of all other relevant Federal agencies involved in the conflict in Afghanistan shall—

(1) formulate a plan for the orderly drawdown and withdrawal of all soldiers, sailors, airmen, and Marines from Afghanistan who were involved in operations intended to provide security and order to the territory of Afghanistan, including policing action, or military actions against paramilitary organizations inside Afghanistan, excluding members of the military assigned to support United States embassies or consulates, or intelligence operations authorized by Congress; and

(2) appear before the relevant congressional committees to explain the proposed implementation of the plan formulated under subparagraph (A).

(b) FORMULATE PLAN.—(A) The plan shall—

(1) include a strategy that is fully consistent with the Implementation of the Framework Formulated under paragraph (1);

(2) provide for the Departments of State and Defense, in cooperation with the heads of all other relevant Federal agencies, to—

(A) notify the Congress prior to any action that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such action; and

(B) notify the Congress prior to any activity that reduces air base resiliency or demolishes protected aircraft shelters in Afghanistan as of such date of enactment shall be reduced on a monthly basis;

(c) FUNDING.—The authorization for defense activities of the Department of Defense may be obligated or expended to implement the plan formulated under subparagraph (A); and

(d) REMOVAL AND BONUSES.—Not later than one year after the date of the enactment of this Act—

(1) all United States Armed Forces in Afghanistan as of such date of enactment shall be withdrawn and removed from Afghanistan; and

(2) the Secretary of Defense shall provide all members of the United States Armed Forces who were in support of the Global War on Terror with a $2,500 bonus to recognize that these Americans have served in the Global War On Terrorism exclusively on a volunteer basis and to demonstrate the heartfelt gratitude of our Nation.

SEC. 1533. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) PLAN REQUIRED.—Not later than 45 days after the date on which the Chief of Naval Operations (A) notifies the Committee on Armed Services of the House of Representatives, and (2) the date on which the Secretary of Defense has reviewed the plan required by section (a)(1)(A) have departed from Afghanistan, the Department may not otherwise take any action to do the following:

(1) Reduce, or prepare to reduce, the responsibilities or alert level of the intercontinental ballistic missiles of the United States.

(2) Reduce, or prepare to reduce, the number of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) FUNDING.—On page 773, beginning on page 8, strike "authorized to be appropriated" and all that follows through "theater" on line 13 and insert "authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such activity."

(c) REPEAL OF AUTHORIZATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise implement any such activity:

(1) Reduce, or prepare to reduce, the responsibilities or alert level of the intercontinental ballistic missiles of the United States.

SEC. 1534. FUNDING FOR DEFENSE ACTIVITIES.

(a) PROCUREMENT.—(1) In general.—Subject to paragraph (2), the Secretary of Defense may be obligated or expended to implement any activity that closes or returns to home station any activity that closes or returns to the host nation any existing air base, and the Department may not otherwise implement any such activity.

(b) PROCUREMENT.—(1) In general.—Subject to paragraph (2), the Secretary of Defense may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such activity.

SEC. 1535. FUNDING FOR DEFENSE ACTIVITIES.

(a) PROCUREMENT.—(1) In general.—Subject to paragraph (2), the Secretary of Defense may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such activity.

(b) PROCUREMENT.—(1) In general.—Subject to paragraph (2), the Secretary of Defense may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such activity.
30104) is amended by adding at the end the following new subsection:

"(j) Disclosure of Reportable Foreign Contacts.—

"(1) COMMITTEE OBIGATION.—Not later than 1 week after a reportable foreign contact, each authorized committee of a candidate for the office of President shall notify the Director of the Federal Bureau of Investigation and the Commission of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

"(2) INDIVIDUAL OBLIGATION.—Not later than 1 week after a reportable foreign contact—

"(A) each candidate for the office of President shall notify the treasurer or other designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

"(B) each official, employee, or agent of an authorized committee of a candidate for the office of President shall notify the treasurer or other designated official of the authorized committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

"(3) REPORTABLE FOREIGN CONTACT.—In this subsection:

"(A) THE TERM.—The term "reportable foreign contact" means any direct or indirect contact or communication with a foreign person, as defined in section 301(j), or an agent thereof.

"(B) EXCEPTION.—Such term shall not include a contact or communication with a foreign person, as defined in section 301(j), or an agent thereof if—

(i) the committee has in place policies that meet the requirements of subparagraph (A) and (B); and

(ii) the committee has designated an official to monitor compliance with such policies; and

(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee—

(I) receive notice of such policies; and

(II) be informed of the prohibitions under section 319; and

(III) sign a certification affirming their understanding of such policies and prohibitions.

"(c) CRIMINAL PENALTIES.—Section 309(d)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by adding at the end the following new subparagraphs:

"(A) Any person who knowingly and willfully conceals or destroys any materials related to a reportable foreign contact (as defined in section 319) shall be fined not more than $500,000, imprisoned not more than 5 years, or both.

"(B) Any person who knowingly or willfully conceals or destroys any materials related to a reportable foreign contact (as defined in section 319) shall be fined not more than $1,000,000, imprisoned not more than 5 years, or both.

"(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed—

(1) to impede legitimate journalistic activities;

(2) to impose any additional limitation on the right of any individual who is not a citizen of the United States or a national of the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act) and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) to express political views or to participate in public discourse.

SA 724. Mr. UDALL (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XXXI, insert the following:

"SEC. 811. REPORT REGARDING GOVERNMENT NUCLEAR TESTING AND COMPENSATION FOR RADIATION EXPOSURE.

By not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the heads of Federal Agencies, shall report to the Committees on Armed Services and the Committee on the Judiciary of the Senate, and the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives:

(1) assesses the extent to which individuals affected by Federal Government nuclear testing are prevented from receiving compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(2) describes the different groups, including an estimate of the number of people in each group, who are affected by Federal Government nuclear testing but are not compensated under such Act, including people of the United States who live in close proximity to where such testing occurred.

SA 725. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribing military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, insert the following:

"(a) BUY AMERICAN ACT GUIDANCE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of Defense Pricing/Defense Procurement Acquisition Policy shall issue guidance to Department of Defense contractors on requirements related to chapter 83 of title 41, United States Code (commonly referred to as the "Berry Amendment"), and section 2533b of title 10, United States Code (commonly referred to as the "specialty metals clause").

(2) ELEMENTS.—The guidance issued under paragraph (1) shall cover—

(A) the requirement to incorporate and enforce the Berry Amendment and the specialty metals clause provisions and clauses in applicable solicitations and contracts; and

(B) the requirements of the Buy American Act, such as inclusion of clauses, into the electronic contract writing systems used by the military departments and the Defense Logistics Agency.

...
SEC. 1066. IMMIGRANT VETERANS ELIGIBILITY TRACKING SYSTEM.

(a) IN GENERAL.—On the application by an alien to be made the basis of a pension or other benefit or the placement of an alien in an immigration enforcement proceeding, the Secretary of Homeland Security shall—

(1) deter whether the alien is serving, or has served, as a member of—

(A) a regular or reserve component of the Armed Forces on active duty; or

(B) another component of the Armed Forces in an active status; and

(2) with respect to the immigration and naturalization records of the Department of Homeland Security relating to an alien who is serving, or has served, as a member of the Armed Forces described in paragraph (1), annotate such records—

(A) reflect such membership; and

(B) afford an opportunity to track the outcomes for each such alien.

(b) CONSIDERATION OF MILITARY SERVICE FOR EXPEDITED PROCESSING.—In determining whether to expedite the processing of an application for an immigration benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including naturalization, the Secretary of Homeland Security shall consider—

(1) the service of the individual as a member of—

(A) a regular or reserve component of the Armed Forces on active duty; or

(B) another component of the Armed Forces in an active status; and

(2) the record of discharge from service in the Armed Forces of the individual.

(c) PROHIBITION ON USE OF INFORMATION FOR REMOVAL.—Information gathered under subsection (a) may not be used for the purpose of removing an alien from the United States.

SA 726. Ms. WARREN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1061. IMPROVEMENT OF ANNUAL REPORT ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) ADDITIONAL ELEMENTS.—Subsection (b) of section 1057 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–232; 132 Stat. 1219), as amended by section 1062 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1970), is further amended by inserting the following new paragraph:

"(F) An assessment of any destruction or damage to public infrastructure or other civilian objects;"

(2) in paragraph (3), by inserting before the period at the end the following: "and, a description of new and amounts dedicated to investigations of allegations of civilian casualties covered by such report";

(3) in paragraph (4), by inserting "and description of new and amounts dedicated to investigations of allegations of civilian casualties covered by such report;"; and

(4) by redesignating paragraphs (5) and (6) as paragraphs (6) respectively, and (5) by inserting after paragraph (4) the following new paragraphs:

"(6) An explanation for the discrepancies, if any, between Department of Defense post-operation assessments of civilian casualties in connection with military operations covered by such report and reports of intergovernmental and non-governmental organizations on such casualties, set forth in general and in connection with each military operation covered by such report.

"(7) A description of the manner in which the reliability and accuracy of reports and assessments covered by such report were determined, and the standards used in determining such reliability and accuracy."

"(8) A description of the manner in which discrepancies described in paragraph (5) were addressed, and the records used in addressing such discrepancies.

"(a) PENALTY.—

"(1) Action by Court.—The court shall proceedings and a description and assessment of the role of current or potential direct hiring authorities in addressing such challenges.

"(4) Proposals for increasing the number of civilian employees concerned with a science and engineering background who are employed using direct hiring authority.

SA 729. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1062. INTERECTIONS IN ELECTIONS BY FOREIGN NATIONALS.

(1) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

"612. Interbarations in elections by foreign nationals.

"(a) PENALTY.—

"(1) IN GENERAL.—Whoever violates paragraph (1) by conspiring with another, or by having knowledge or reasonable cause to believe such individual is a foreign national, to prevent, obstruct, impede, interfere with, promote, support, or oppose the nomination or the election of any candidate for any Federal, State, or local office, or any ballot measure, initiative, or referendum; and

"(2) ACTION BY COURT.—The court shall

"(a) PENALTY.—

"(1) IN GENERAL.—Whenever a person or class of persons for whose protection the civil action brought under this title, imprisoned for not more than 5 years, or both.

"(2) ACTION BY COURT.—The court shall

"(1) IN GENERAL.—Whenever a person or class of persons for whose protection the civil action brought under this title, imprisoned for not more than 5 years, or both.

"(2) ACTION BY COURT.—The court shall

"(1) IN GENERAL.—Whenever a person or class of persons for whose protection the civil action brought under this title, imprisoned for not more than 5 years, or both.

"(2) ACTION BY COURT.—The court shall

"(1) IN GENERAL.—Whenever a person or class of persons for whose protection the civil action brought under this title, imprisoned for not more than 5 years, or both.

"(2) ACTION BY COURT.—The court shall

"(1) IN GENERAL.—Whenever a person or class of persons for whose protection the civil action brought under this title, imprisoned for not more than 5 years, or both.

"(2) ACTION BY COURT.—The court shall

"(1) IN GENERAL.—Whenever a person or class of persons for whose protection the civil action brought under this title, imprisoned for not more than 5 years, or both.

"(2) ACTION BY COURT.—The court shall
Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery shall be governed by the Federal Rules of Criminal Procedure.

(2) COMPUTATION OF TIME.—If a civil action is brought under this subsection, before an indictment is returned against the respondent or while an indictment against the respondent is pending, the court may order the respondent, classified information in the civil proceeding shall be subject to the procedures described in section 553(b).

(3) DEFINITIONS.—In this section—

(A) the term 'agent of a foreign power' means a foreign principal, as such term is defined under section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(B) does not include a United States person as defined under section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(4) The term 'classified information' has the meaning given the term in section 1 of the Classified Information Procedures Act (18 U.S.C. 1924).

(5) The term 'foreign national'—

(A) means a foreign principal, as such term is defined by section 101(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)); and

(B) does not include an individual who is a citizen of the United States or a lawful permanent resident of the United States; and

(C) the term 'interfering act' means any offense, that does have to be otherwise provable, under, or violation of—

(A) a statute, an applicable regulation, or a provision of the United States Code, is inadmissible.

ELECTION INTERFERENCE BY FOREIGN NATIONALS.—

(1) IN GENERAL.—Except as provided in subsection (2) and clause (i), any alien convicted of clause (ii) of section 2252, title 18, United States Code, is inadmissible.

(2) EXCEPTION.—If an alien described in subsection (1) is eligible under section 2326(b) to receive admission in the United States, the decision of an alien lawfully admitted for permanent residence, the Secretary of Homeland Security, in the Secretary's sole, unreasonable discretion, may waive the inadmissibility of subsection (1) with respect to such alien.

(3) EXCEPTION.—An alien shall not be considered to be inadmissible under this subparagraph if—

(I) the alien voted in a Federal, State, or local election including an initiative, recall, or referendum in violation of a lawful restriction of voting to citizens;

(II) each natural parent of the alien or, in the case of an adopted alien, each adoptive parent of the alien is or was a United States citizen (whether by birth or naturalization);

(III) the alien permanently resided in the United States before reaching 16 years of age; and

(IV) the alien reasonably believed at the time of the violation described in clause (i) or (i) that he or she was a United States citizen.

(d) DEFINITIONS.—In this section—

(1) ELECTION INTERFERENCE COMMUNICATIONS.—

(A) IN GENERAL.—For purposes of applying subsection (a)(1)(C) and subsection (d), an ‘electioneering communication’—

(i) does not include a news story, commentary, editorial, or other communication produced and distributed in the ordinary course of bona fide press activity by a news or press service or association, newspaper, magazine, periodical, or other publication as determined under subparagraph (B);

(ii) except as provided in clause (i), includes any Internet or digital communication that otherwise meets the requirements of section 304(c)(3) as modified by this paragraph;

(iii) includes a communication that does not refer to a clearly identified candidate for Federal office as described in subparagraph (A)(i) of section 304(c)(3); and

(iv) the communication otherwise meets the requirements of such section as modified by this paragraph except that items (aa) and (bb) of subparagraph (A)(i) of such section shall each be substituted for 'Federal, State, or local office' for the office sought by the candidate; and

(ii) the communication—

(aa) references voting or a Federal, State, or local election;

(bb) addresses an issue that is reasonably understood to distinguish one candidate for Federal office from another;

(cc) republishes or is substantially identical to the communications of a candidate for Federal, State, or local office on that same issue;

(dd) expresses approval or disapproval of a position reasonably identified with a candidate for Federal, State, or local office and provided that such communication is not produced and distributed in the ordinary course of bona fide press activity by a news or press service or association, newspaper, magazine, periodical, or other publication and the exception under such subparagraph shall not apply if—

(i) such media outlet is owned, directed, supervised, controlled, subsidized, or financed by a government of a foreign country, as defined in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611); and

(ii) such news story, commentary, editorial, or other communication—

(aa) references voting or a Federal, State, or local election;

(bb) addresses an issue that is reasonably understood to distinguish one candidate for Federal office from another;

(cc) republishes or is substantially identical to the communications of a candidate for Federal, State, or local office and provides a disapproval of a position reasonably identified with a candidate for Federal, State, or local office; and

(dd) expresses approval or disapproval of a position reasonably identified with a candidate for Federal, State, or local office and provides an approval of a position reasonably identified with a candidate for Federal, State, or local office.

(7) The term 'uncompensated personal service' of an individual related to Internet activities. The exception under the preceding sentence shall not apply to individuals or a group of individuals acting on behalf of or in support of a candidate for public office or political party in the United States.

(8) FOREIGN INDIVIDUAL INTERNET ACTIVITY EXCEPTION.—

(A) IN GENERAL.—When an individual or a group of individuals engages in Internet activities for the purposes of influencing an election, neither of the following is a contribution or expenditure for purposes of this section by that individual or group of individuals

(i) The uncompensated personal services of an individual related to Internet activities. The exception under the preceding sentence shall not apply to individuals or a group of individuals acting on behalf of or in support of a candidate for public office or political party in the United States.

(B) DEFINITION.—For purposes of this paragraph, the terms 'Internet activities' and 'equipment and services' have the meaning given such terms in section 100.94 of title 11, Code of Federal Regulations (or any successor regulation).

(C) PROHIBITION ON PROVIDING STANDBY ASSISTANCE TO A FOREIGN GOVERNMENT OR FOREIGN POLITICAL PARTY IN MAKING CONTRIBUTIONS, DONATIONS, OR EXPENDITURES.—

(A) IN GENERAL.—No person shall knowingly provide substantial assistance to a foreign national, including a foreign government or foreign political party, with respect to an election, primary or indirect, of a candidate for public office or political party or any other election, or any other thing of value, or an expenditure, independent expenditure, or disbursement for an electioneering communication, a contribution, a donation, or an expenditure, in violation of the Classified Information Procedures Act of 1978 (50 U.S.C. 1924).
SA 730. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 520. EXPANSION AND IMPROVEMENT OF LEAVE IN CONNECTION WITH BIRTH OR ADOPTION.

(a) PRIMARY CAREGIVER LEAVE IN CONNECTION WITH BIRTH OR ADOPTION.—Subsection (1) of section 701 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “the primary” and inserting “a primary”;

(B) in subparagraph (B),—

(i) by striking “the primary” and inserting “a primary”;

(ii) by striking “six weeks” and inserting “12 weeks”;

(C) by adding at the end the following new subparagraph:

“(C) More than one individual may be designated as a primary caregiver under subparagraph (A) or (B) in connection with a birth or adoption.”;

(2) in paragraph (3), by inserting before the period at the end the following: “, and the criteria to be used in designating individuals as secondary caregivers for purposes of paragraph (1)”;

(3) by redesignating paragraph (4) as paragraph (5);

(4) by inserting after paragraph (3) the following new paragraph (4):

“(4)(A) Leave of a member under paragraph (1) terminates on the date of death of the child concerned.

“(B) Nothing in subparagraph (A) shall be construed to terminate the eligibility of a member for emergency leave under section 709 of this title in connection with a death described in that subparagraph.”;

and

(5) in paragraph (5), as redesignated by paragraph (3), by inserting after paragraph (3) the following:

(A) by striking paragraphs (6) through (10) and inserting paragraphs (7) through (11); and

(B) by striking paragraph (9)(B) and inserting paragraph (10)(B).

SA 731. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to provide 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 subtitile H of title X, insert the following:

SEC. 1290. INVESTIGATION AND REPORT ON ISSUANCE OF PASSPORTS AND TRAVEL DOCUMENTS TO CITIZENS OF SAUDI ARABIA IN THE UNITED STATES.

(a) INVESTIGATION.—The Secretary of State shall conduct an investigation on the issuance by the Government of Saudi Arabia of passports and other travel documents to citizens of Saudi Arabia in the United States.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the investigation under subsection (a).

(2) MATTER TO BE INCLUDED.—The report required by paragraph (1) shall include with respect to the manner in which passports and travel documents are issued to citizens of Saudi Arabia in the United States, an assessment whether the Government of Saudi Arabia is in compliance with its obligations under—

(A) the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961; or

(B) the Vienna Convention on Consular Relations, done at Vienna April 24, 1963.

SA 732. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. 3. ADVANCE BILLING FOR BACKGROUND INVESTIGATION SERVICES WITH WORKING CAPITAL FUNDS.

During fiscal year 2020, any advance billing for background investigation services and related services purchased from activities financed using Defense Working Capital Funds shall be excluded from the calculation of cumulative advance billings under section 2208(3) of title 10, United States Code.

SA 733. Mr. DAINES (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

(1) the Little Shell Tribe of Chippewa Indians of Montana.

(a) FINDINGS.—Congress finds that—

(A) the Little Shell Tribe of Chippewa Indians of Montana is a political successor to signatories of the Pembina Treaty of 1863, under which a large area of land in the State of North Dakota was ceded to the United States; and

(B) the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy’s Reservation of Montana, which also signed the treaty to the signatories of the Pembina Treaty of 1863, have been recognized by the Federal Government as distinct Indian tribes;

(2) the members of the Little Shell Tribe continue to live in the State of Montana, as their ancestors have for more than 100 years since ceding land in the State of North Dakota as described in paragraph (1);

(3) in the 1930s and 1940s, the Tribe repeatedly petitioned the Federal Government for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”); and

(4) Federal agents who visited the Tribe and Commissioner of Indian Affairs John Collier attested to the responsibility of the Federal Government for the Tribe and members of the Tribe, concluding that members of the Tribe are eligible for, and should be provided with, trust land, making the Tribe eligible for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”);

(5) due to a lack of Federal appropriations during the Depression, the Bureau of Indian Affairs did not have adequate resources to purchase land for the Tribe, and the members of the Tribe were denied the opportunity to reorganize;

(6) in spite of the failure of the Federal Government to appropriate adequate funding to secure land for the Tribe as required for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”), the Tribe continued to exist as a separate community, with leaders exhibiting clear political authority;

(7) the Tribe, together with the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy’s Reservation of Montana, filed 2 law suits under the Act of August 13, 1946 (60 Stat. 1409) (commonly known as the “Indian Claims Commission Act”), to petition for additional compensation for land ceded to the United States under the Pembina Treaty of 1863 and the McComb Agreement of 1892; and

(8) the Act of Congress, the tribes received awards for the claims described in paragraph (7); and

(9) in 1971 and 1982, pursuant to Acts of Congress, the United States transferred in fee title to the Tribe lands within the boundaries of the Turtle Mountain Band of Chippewa of North Dakota; and

(10) in 1995, the Tribe submitted to the Bureau of Indian Affairs a petition for Federal recognition, which is still pending as of the date of enactment of this Act; and
Tribe pursuant to section 5 of the Act to acquire additional land for the benefit of the Tribe; or

(f) MEMBERSHIP ROLL.—(1) IN GENERAL.—Nothing in this section... (k); and

(g) ACQUISITION OF LAND.—(1) HOME LAND.—The Secretary shall acquire, for the benefit of the Tribe, trust title to 200 acres of land within the service area of the Tribe to be used for a tribal land base.

(2) ADDITIONAL LAND.—The Secretary may acquire additional land for the benefit of the Tribe pursuant to section 5 of the Act of June 18, 1934 (25 U.S.C. 5108) (commonly known as the “Indian Reorganization Act”).

SA 734. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. PROHIBITION ON NUCLEAR EXPORTS TO SAUDI ARABIA.

Notwithstanding any other provision of law, no nuclear material, whether for civilian or military applications, or related technology or services, may be exported from the United States to Saudi Arabia, and no license or other authorization may be issued by any federal agency for such export.

SA 735. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. REPORT ON EFFECT OF WIND TURBINE PROJECTS ON SAFETY, TRAINING, AND READINESS OF AIR FORCE PILOTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the cumulative effect of wind turbine projects on the safety, training, and readiness of Air Force pilots.

SA 736. Mr. BURR (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. TASK FORCE.

Section 688H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 988H) is amended—

(1) by redesignating subsection (j) as subsection (k);

(2) in subsection (d)(2)(A), by striking “subsection (j)”; and

(3) by inserting after subsection (j) the following:

“(j) TASK FORCE TO ASSIST IN IMPROVING CHILD SAFETY.—

“(i) ESTABLISHMENT.—There is established a task force, to be known as the Interagency Task Force To Assist in Improving Child Safety (referred to in this section as the ‘Task Force’) to identify, evaluate, and recommend best practices and technical assistance to assist Federal and State agencies in meeting the requirements of subsection (b) for child care staff members.

“(ii) MEMBERSHIP.—The Task Force shall consist of

(A) members of the Department of Health and Human Services, the Associate Commissioner for Children, the Department of the Treasury, the Department of Education, the Department of Labor, the Federal Bureau of Investigation, the Food and Drug Administration, the Department of Agriculture, the Department of Justice, the Department of Housing and Urban Development, the Department of Transportation, the Department of Labor, and the Central Intelligence Agency; and

(B) members of the State governments and other relevant stakeholders on identifying problems in implementing, and proposing solutions to implement, the requirements of subsection (b), as described in that subsection.

“(3) CHAIRPERSON.—The chairperson of the Task Force shall consult with representatives from State child care agencies, State child protective services, State criminal justice agencies, and other relevant stakeholders on identifying problems in implementing, and proposing solutions to implement, the requirements of subsection (b), as described in that subsection.

“(4) CONSULTATION.—The Task Force shall consult with representatives from State child care agencies, State child protective services, State criminal justice agencies, and other relevant stakeholders on identifying problems in implementing, and proposing solutions to implement, the requirements of subsection (b), as described in that subsection.

“(5) TASK FORCE DUTIES.—The Task Force shall:

“(A) develop recommendations for improving implementation of the requirements of subsection (b), including recommendations about the task force and the Task Force subcommittees, which will collaborate and coordinate efforts to implement such requirements, as described in subsection (b); and

“(B) develop recommendations in which the Task Force identifies best practices and evaluates technical assistance to assist relevant Federal and State agencies in implementing subsection (b), which identification and evaluation shall include:

“(i) an analysis of available research and information at the Federal and State level regarding the status of the interstate requirements of subsection (b) for child care staff members who have resided in one or more States during the previous 5 years and who seek employment in a child care program in a different State;

“(ii) a list of State agencies that are not responding to interstate requests covered by subsection (b) for relevant information on child care staff members;

“(iii) identification of the challenges State agencies are experiencing in responding to interstate requests;

“(iv) an analysis of the average processing time for the interstate requests, in accordance with subsection (b); and

“(v) a list of States that have closed record laws or systems that prevent the States from sharing complete criminal record data or information with State agencies in another State.

“(6) MEETINGS.—Not later than 3 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the President shall appoint the members of the Task Force, which shall include—

“(A) the Director of the Office of Child Care of the Department of Health and Human Services, the Associate Commissioner for Children, the Department of Health and Human Services, the Director of the Federal Bureau of Investigation, or their designees; and

“(B) such other Federal officials as may be designated by the President.

“(C) The Task Force shall—

“(i) meet at least once each month;

“(ii) select a chairperson from among its members; and

“(iii) submit annually to the Committees on Appropriations of the Senate and the House of Representatives a report that includes recommendations to Congress on any necessary amendments to Federal law, regulations, or policies to facilitate the implementation of the requirements of subsection (b) for child care staff members.
"(7) FINAL REPORT.—Not later than 1 year after the first meeting of the Task Force, the Task Force shall submit to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report containing all of the recommendations required by subparagraph (A) and (B) of paragraph (5).

"(8) SUNSET.—The Task Force shall terminate 1 year after submitting its final report, but not later than the end of fiscal year 2021.

SA 737. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 351(b)(2), after subparagraph (C), insert the following:

(D) The investment necessary to leverage existing local workforce development programs, including apprenticeship opportunities, to sustain an adequate workforce pipeline.

SA 738. Mr. REED (for himself, Ms. SMITH, Ms. KLOSKCHAR, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 332. SENSE OF CONGRESS ON RESTORATION OF TYNDALL AIR FORCE BASE.

It is the sense of Congress that the Secretary of the Air Force should:

(1) restore Tyndall Air Force Base to achieve military installation resilience, as defined in section 101a(e)(8) of title 10, United States Code; and

(2) use innovative construction methods, materials, designs, and technologies in carrying out such restoration in order to achieve efficiencies, cost savings, resiliency, and capability, which may include—

(A) open architecture design to evolve with the national defense strategy; and

(B) an efficient enterprise for members of the Air Force in the 21st century.

SA 740. Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 642.

On page 293, line 2, strike "January 1, 2020" and insert "January 1, 2030".

Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 333. SENSE OF CONGRESS ON RESTORATION OF TYNDALL AIR FORCE BASE.

It is the sense of Congress that the Secretary of the Air Force should:

(1) restore Tyndall Air Force Base to achieve military installation resilience, as defined in section 101a(e)(8) of title 10, United States Code; and

(2) use innovative construction methods, materials, designs, and technologies in carrying out such restoration in order to achieve efficiencies, cost savings, resiliency, and capability, which may include—

(A) open architecture design to evolve with the national defense strategy; and

(B) an efficient enterprise for members of the Air Force in the 21st century.

SA 740. Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 642.

On page 293, line 2, strike "January 1, 2020" and insert "January 1, 2030".

Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:

SEC. 333. SENSE OF CONGRESS ON RESTORATION OF TYNDALL AIR FORCE BASE.

It is the sense of Congress that the Secretary of the Air Force should:

(1) restore Tyndall Air Force Base to achieve military installation resilience, as defined in section 101a(e)(8) of title 10, United States Code; and

(2) use innovative construction methods, materials, designs, and technologies in carrying out such restoration in order to achieve efficiencies, cost savings, resiliency, and capability, which may include—

(A) open architecture design to evolve with the national defense strategy; and

(B) an efficient enterprise for members of the Air Force in the 21st century.

SA 740. Mr. INHOFE (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 642.

On page 293, line 2, strike "January 1, 2020" and insert "January 1, 2030".

Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title III, add the following:
SA 741. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 108. PENSACOLA DAM AND RESERVOIR. GRAND RIVER, OKLAHOMA.

(a) PURPOSE.—The purpose of this section is to clarify Federal authorities and responsibilities relating to the Pensacola Dam and Reservoir.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—Notwithstanding section 24(e) of that Act (16 U.S.C. 818).

(c) CONSERVATION POOL MANAGEMENT.

(1) FEDERAL LAND.—Notwithstanding section 24 of that Act (16 U.S.C. 796(2)), Federal land within the project, including any right, title, or interest in or to land held by the United States for purposes of purposes for recompensing the United States for the use, occupancy, or enjoyment of the land under section 10(e)(1) of that Act (16 U.S.C. 803(c)(1)); or

(2) LICENSE CONDITIONS.—(A) An assessment of employment rates for military spouses which includes a review of off-post opportunities and an analysis of the extent to which such rates may be improved by expanding the Program to include reimbursements for licensing reciprocity.

(3) The use of quality ratings by the Department of Veterans Affairs.

(4) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army, in coordination with the Under Secretary of the Army, shall submit a report to Congress on the results of the review conducted under subsection (a).

SA 743. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 108. PENSACOLA DAM AND RESERVOIR. GRAND RIVER, OKLAHOMA.

(a) PURPOSE.—The purpose of this section is to clarify Federal authorities and responsibilities relating to the Pensacola Dam and Reservoir.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—Notwithstanding section 24(e) of that Act (16 U.S.C. 818).

(c) CONSERVATION POOL MANAGEMENT.

(1) FEDERAL LAND.—Notwithstanding section 24 of that Act (16 U.S.C. 796(2)), Federal land within the project, including any right, title, or interest in or to land held by the United States for purposes of purposes for recompensing the United States for the use, occupancy, or enjoyment of the land under section 10(e)(1) of that Act (16 U.S.C. 803(c)(1)); or

(2) LICENSE CONDITIONS.—(A) An assessment of employment rates for military spouses which includes a review of off-post opportunities and an analysis of the extent to which such rates may be improved by expanding the Program to include reimbursements for licensing reciprocity.

(3) The use of quality ratings by the Department of Veterans Affairs.

(4) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army, in coordination with the Under Secretary of the Army, shall submit a report to Congress on the results of the review conducted under subsection (a).

SA 744. Mr. WICKER (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 108. PENSACOLA DAM AND RESERVOIR. GRAND RIVER, OKLAHOMA.

(a) PURPOSE.—The purpose of this section is to clarify Federal authorities and responsibilities relating to the Pensacola Dam and Reservoir.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—Notwithstanding section 24(e) of that Act (16 U.S.C. 818).

(c) CONSERVATION POOL MANAGEMENT.

(1) FEDERAL LAND.—Notwithstanding section 24 of that Act (16 U.S.C. 796(2)), Federal land within the project, including any right, title, or interest in or to land held by the United States for purposes of purposes for recompensing the United States for the use, occupancy, or enjoyment of the land under section 10(e)(1) of that Act (16 U.S.C. 803(c)(1)); or

(2) LICENSE CONDITIONS.—(A) An assessment of employment rates for military spouses which includes a review of off-post opportunities and an analysis of the extent to which such rates may be improved by expanding the Program to include reimbursements for licensing reciprocity.

(3) The use of quality ratings by the Department of Veterans Affairs.

(4) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army, in coordination with the Under Secretary of the Army, shall submit a report to Congress on the results of the review conducted under subsection (a).

SA 745. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 108. PENSACOLA DAM AND RESERVOIR. GRAND RIVER, OKLAHOMA.

(a) PURPOSE.—The purpose of this section is to clarify Federal authorities and responsibilities relating to the Pensacola Dam and Reservoir.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—Notwithstanding section 24(e) of that Act (16 U.S.C. 818).

(c) CONSERVATION POOL MANAGEMENT.

(1) FEDERAL LAND.—Notwithstanding section 24 of that Act (16 U.S.C. 796(2)), Federal land within the project, including any right, title, or interest in or to land held by the United States for purposes of purposes for recompensing the United States for the use, occupancy, or enjoyment of the land under section 10(e)(1) of that Act (16 U.S.C. 803(c)(1)); or

(2) LICENSE CONDITIONS.—(A) An assessment of employment rates for military spouses which includes a review of off-post opportunities and an analysis of the extent to which such rates may be improved by expanding the Program to include reimbursements for licensing reciprocity.

(3) The use of quality ratings by the Department of Veterans Affairs.

(4) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army, in coordination with the Under Secretary of the Army, shall submit a report to Congress on the results of the review conducted under subsection (a).
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 XXXV and insert the following:

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization and Enhancement Act of 2019.”

Subtitle A—Maritime Administration

SEC. 3511. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) In General.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2020, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States Merchant Marine, the following:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $95,941,000, of which—

(A) $77,944,000 shall remain available until September 30, 2021, for Academy operations; and

(B) $18,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $50,280,000, of which—

(A) $2,900,000 shall remain available until September 30, 2021, for the Student Initiative Fund; and

(B) $6,000,000 shall remain available until expended for direct payments to such academies.

(C) $30,080,000 shall remain available until required to support and maintain State maritime academy training vessels;

(D) $3,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $8,000,000 shall remain available until expended for offsetting the costs of training ship sharing.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $7,000,000 which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, by which $5,000,000 shall remain available until expended for activities authorized under section 50397 of title 46, United States Code.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $5,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag Merchant Marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $30,000,000 which shall remain available until expended.

(b) Efficacy of Operating Agreements.—

(1) by adding at the end the following:

SEC. 3511. AUTHORIZATION OF OPERATING AGREEMENTS.

(a) AWARD OF OPERATING AGREEMENTS.—

Section 53103 of title 46, United States Code, is amended by striking “2025” each place it appears and inserting “2035.”

(b) EFFECTIVENESS OF OPERATING AGREEMENTS.—

Section 53104(a) of title 46, United States Code, is amended by striking “2025” and inserting “2035”.

(c) PAYMENTS.—Section 53106(a)(1) of title 46, United States Code, is amended—

(1) in paragraph (B), by striking “and” after the semicolon;

(2) in subparagraph (C), by striking “$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025,” and inserting “$3,233,463 for each of fiscal years 2022, 2023, 2024, and 2025;” and

(3) by adding at the end the following:

“(D) $5,233,463 for each of fiscal years 2026 through 2035.”

(d) AUTHORIZATION OF APPROPRIATIONS.—

Section 53111 of title 46, United States Code, is amended—

(1) in paragraph (2), by striking “and” after the semicolon;

(2) in paragraph (3), by striking “$222,000,000 for each fiscal year thereafter through fiscal year 2025,” and inserting “$314,007,780 for each of fiscal years 2022, 2023, 2024, and 2025;” and

(3) by adding at the end the following:

“(D) $314,007,780 for each of fiscal years 2026 through 2035.”

SEC. 3512. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL REPORT.

The Inspector General of the Department of Transportation shall—

(1) not later than 180 days after the date of enactment of this title, initiate an audit of the Maritime Administration to address only those recommendations from Chapter 3 and recommendations 5-1, 5-2, 5-3, 5-4, 5-5, and 5-6 identified by a National Academy of Public Administration in the November 2017 report entitled “Maritime Administration: Defining its Mission, Aligning its Programs, and Meeting its Objectives”;

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of that audit once the audit is completed.

SEC. 3513. APPOINTMENT OF CANDIDATES AT-TENDING PREPARATORY SCHOOL.

Section 53103 of title 46, United States Code, is amended—

(a) by striking “The Secretary” and inserting the following:

“(a) In General.—The Secretary”;

(b) by adding at the end the following:

“Referring to the requirement to in this section as the “Academy”).

(c) DEADLINE AND REPORT.—Not later than 1 year after the date of the agreement described in subsection (a), the Academy shall prepare and submit to the Administrator of the Maritime Administration a report containing the action plan described in subsection (b)(3), including specific findings and recommendations.

SEC. 3514. APPOINTMENT OF CANDIDATES AT-TENDING PREPARATORY SCHOOL.

Section 53103 of title 46, United States Code, is amended—

(a) by striking “The Secretary” and inserting the following;

“(a) In General.—The Secretary”;

(b) by adding at the end the following:

“Referring to the requirement to in this section as the “Academy”;

SEC. 3515. INDEPENDENT STUDY ON THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) In General.—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation shall seek to enter into an agreement with the National Academy of Public Administration to in this section as the “Academy”) to carry out the activities described in this section.

(b) STUDY ELEMENTS.—In accordance with the agreement described in subsection (a), the Academy shall conduct a study of the United States Merchant Marine Academy that consists of the following:

(1) A comprehensive assessment of the United States Merchant Marine Academy’s systems, training, facilities, infrastructure, information technology, and stakeholder engagement.

(2) Identification of needs and opportunities for modernization to help the United States Merchant Marine Academy keep pace with more modern campuses.

(3) Development of an action plan for the United States Merchant Marine Academy with specific recommendations for improvements or updates relating to the opportunities described in paragraph (2); and

(4) Systemic changes needed to help the United States Merchant Marine Academy achieve its mission of inspiring and educating the next generation of the maritime workforce on a long-term basis.

SEC. 3516. GENERAL SUPPORT PROGRAM.

Section 51501 of title 46, United States Code, is amended by adding at the end the following:

“DEPARTMENT OF TRANSPORTATION.

SEC. 3517. MILITARY TO MARINER.

Section 53103 of title 46, United States Code, is amended—

(a) CREDENTIALING SUPPORT.—Not later than 1 year after the date of enactment of this title, the Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce, in consultation with the Merchant Marine Personnel Advisory Committee, shall, consistent with applicable law, identify all training and experience within the applicable service that may qualify for merchant marine credentialing, and submit a list of all identified training and experience to the United States Coast Guard National Maritime Center for a determination of whether such training and experience counts for credentialing purposes.

(b) REVIEW OF APPLICABLE SERVICE.—The United States Coast Guard Commandant shall make a determination of whether training and experience counts for credentialing purposes, as described in subsection (a), not later than 6 months after the date of the enactment of this title.

(c) FEES AND SERVICES.—The Secretary of Defense, the Secretary of Transportation, and the Secretary of Commerce shall charge such fees and provide such services as they determine to be necessary in order to carry out the activities described in this title.
which the Coast Guard operates, and the Secretary of Commerce, with respect to the applicable services in their respective departments, shall—

(1) adopt necessary and appropriate actions to provide for the waiver of fees through the National Maritime Center license evaluation, issuance, and examination for merchant mariner credential service-related medical certifications, and for members of the uniformed services on active duty pursuing or possessing a mariner credential, such as implementation of an equal exchange process for active duty service members at no or minimal cost;

(2) ensure that members of the applicable services who are to be discharged or released from active duty and who request certification of service-related medical certifications provided such certification or verification no later than one month after discharge or release;

(3) ensure the applicable services have developed, or continue to operate, as appropriate, the online resource known as Credentialing Opportunities On-Line to support separating members of the uniformed services who are seeking information and assistance on merchant mariner credentialing; and

(4) not later than 1 year after the date of enactment of this section, take all necessary and appropriate actions to review and implement service-related medical certifications to merchant mariner credential requirements.

(d) ADVANCING MILITARY TO MARINER WITHIN THE EMPLOYER AGENCIES.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of the Department in which the Coast Guard operates, and the Secretary of Commerce shall have direct hiring authority to hire or retain members of the uniformed services with valid merchant mariner licenses or sea service experience in support of United States national maritime needs, including personnel of Engineers, U.S. Customs and Border Protection, and the National Oceanic and Atmospheric Administration.

(2) APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES.—Except in the case of positions in the Senior Executive Service, the requirements of section 3326(b) of title 5, United States Code, shall not apply with respect to the hiring of a separated member of the uniformed services under paragraph (1).

(e) SEPARATE MEMBER OF THE UNIFORMED SERVICES.—In this section, the term ‘‘separate member of the uniformed services’’ means an individual who—

(1) is retiring or is retired as a member of the uniformed services;

(2) is voluntarily separating or voluntarily separated from the uniformed services at the end of enlistment or service obligation; or

(3) is administratively separating or has administratively separated from the uniformed services with an honorable or general discharge and with compensation.

SEC. 3518. SALVAGE RECOVERIES OF FEDERALLY OWNED CARGOES.

Section 57100 of title 46, United States Code, is amended by adding at the end the following:

“(h) FUNDS TRANSFER AUTHORITY RELATED TO THE USE OF NATIONAL DEFENSE RESERVE FLEET VESSELS AND THE PROVISION OF MARITIME-RELATED SERVICES.—

“(1) IN GENERAL.—When the Secretary of Transportation provides for the use of its vessels or maritime-related services and goods under a reimbursable agreement with a Federal entity, or State or local entity, authorized to receive goods and services from the Maritime Administration for programs, projects, or activities, credit shall be extended to the National Defense Reserve Fleet or maritime-related services:

“(A) Federal entities are authorized to transfer funds to the Secretary in advance of expenditure or upon providing the goods or services, as determined by the Secretary.

“(B) The Secretary shall determine all other terms and conditions under which such payments should be made and provide such goods and services using its existing or new contracts, including general agency agreements, memoranda of understanding, or similar agreements.

“(2) REIMBURSABLE AGREEMENT WITH A FEDERAL ENTITY.—

“(A) IN GENERAL.—The Maritime Administration is authorized to provide maritime-related services and goods under a reimbursable agreement with a Federal entity.

“(B) MARITIME-RELATED SERVICES DEFINED.—For the purposes of this subsection, ‘‘maritime-related services’’ includes the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, or reconditioning (including outfitting and equipping incidental to construction, reconstruction, or reconditioning) of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other installation related to the maritime operations of a Federal entity.

“(3) SALVAGING CARGOES.—

“(A) IN GENERAL.—The Maritime Administration may provide services and purchase goods relating to the salvaging of cargoes aboard vessels in the custody of or control of the Maritime Administration or its predecessor agencies and receive and retain reimbursement from Federal entities for all such costs as it may incur.

“(B) REIMBURSEMENT.—Reimbursement as provided for in subparagraph (A) may come from—

“(i) the proceeds recovered from such salvage;

“(ii) the Federal entity for which the Maritime Administration has or will provide such goods and services, depending on the agreement of the parties involved.

“(4) AMOUNTS.—Amounts received as reimbursements under this subsection shall be credited to the fund or account that was used to cover the costs incurred by the Maritime Administration for the availability of obligations for that appropriation has expired, to the appropriation of funds that is currently available to the Secretary for substantially the same purpose.

“(e) MILITARY CRAFT.—The Secretary of Transportation, in accordance with the provisions of section 50301(a) of this title and shall be available until expended and be distributed as follows for marine insurance-related salvages:

“(1) Fifty percent of the net funds recovered shall be deposited in the vessel Operations Revolving Fund as established by section 50301(a) of this title and shall be available until expended as follows:

“(A) Fifty percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for faculty and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

“(B) The remainder shall be distributed for maritime heritage preservation to the Department of Transportation for grants as authorized under section 30703 of title 46.

“(2) ELIGIBLE APPLICANT.—The Secretary may make a grant under this subsection to the following:

“(A) A public or charitable organization.

“(B) A public or charitable organization established by or on behalf of the Maritime Administration.

“(C) A governmental entity, or a public or charitable organization.

“(D) A special purpose district with a transportation function.

“(C) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—Section 50302 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—

“(1) GENERAL AUTHORITY.—Subject to the availability of appropriations, the Secretary of Transportation shall make grants, on a competitive basis, to public or governmental entities to assist in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through port and intermodal connections.

“(2) ELIGIBLE APPLICANT.—The Secretary may make a grant under this subsection to the following:

“(A) A State.

“(B) A political subdivision of a State, or a local government.

“(C) A public agency or publicly chartered authority established by or on behalf of the Maritime Administration.

“(D) A special purpose district with a transportation function.

“(g) RECOVERIES.—Notwithstanding other provisions of law, the net proceeds from salvage agreements entered into as authorized by section (e) shall not be deposited in a revolving fund, but shall be available until expended and be distributed as follows for marine insurance-related salvages:

“(1) Fifty percent of the net funds recovered shall be deposited in the vessel Operations Revolving Fund as established by section 50301(a) of this title and shall be available until expended as follows:

“(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconning, modernization, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

“(B) Twenty-five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for faculty and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

“(C) A public agency or governmental entity, or a public or charitable organization.

“(D) A governmental entity, or a public or charitable organization.

“(E) A special purpose district with a transportation function.

“(2) REIMBURSABLE AGREEMENT WITH A FEDERAL ENTITY.—

“(A) IN GENERAL.—The Maritime Administration is authorized to provide maritime-related services and goods under a reimbursable agreement with a Federal entity.

“(B) MARITIME-RELATED SERVICES DEFINED.—For the purposes of this subsection, maritime-related services includes the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, or reconditioning (including outfitting and equipping incidental to construction, reconstruction, or reconditioning) of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other installation related to the maritime operations of a Federal entity.

“(3) SALVAGING CARGOES.—

“(A) IN GENERAL.—The Maritime Administration may provide services and purchase goods relating to the salvaging of cargoes aboard vessels in the custody of or control of the Maritime Administration or its predecessor agencies and receive and retain reimbursement from Federal entities for all such costs as may be incurred.

“(B) REIMBURSEMENT.—Reimbursement as provided for in subparagraph (A) may come from—

“(i) the proceeds recovered from such salvage;

“(ii) the Federal entity for which the Maritime Administration has or will provide such goods and services, depending on the agreement of the parties involved.

“(4) AMOUNTS.—Amounts received as reimbursements under this subsection shall be credited to the fund or account that was used to cover the costs incurred by the Maritime Administration for the availability of obligations for that appropriation has expired, to the appropriation of funds that is currently available to the Secretary for substantially the same purpose.

“(e) MILITARY CRAFT.—The Secretary of Transportation, in accordance with the provisions of section 50301(a) of this title and shall be available until expended as follows:

“(1) Fifty percent of the net funds recovered shall be deposited in the vessel Operations Revolving Fund as established by section 50301(a) of this title and shall be available until expended as follows:

“(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconning, modernization, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

“(B) Twenty-five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for faculty and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

“(C) A public agency or governmental entity, or a public or charitable organization.

“(D) A governmental entity, or a public or charitable organization.

“(E) A special purpose district with a transportation function.

(SEC. 3519. SALVAGE RECOVERIES FOR SUBROGATED OWNERSHIP OF VESSELS AND CARGOES.

Section 33909 of title 46, United States Code, is amended by adding at the end the following:

“(e) SALVAGE AGREEMENTS.—The Secretary of Transportation is authorized to enter into salvage agreements, including grants, sales, and disposal of sunken or damaged vessels, cargoes, or properties owned or insured by or on behalf of the Maritime Administration, the United States Shipping Board, the United States Maritime Commission, or the War Shipping Administration.

SEC. 3320. PORT OPERATIONS, RESEARCH, AND TECHNOLOGY.

(a) SHORT TITLE.—This section may be cited as the ‘‘Ports Improvement Act’’.

(b) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—Section 50302 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—

“(1) GENERAL AUTHORITY.—Subject to the availability of appropriations, the Secretary of Transportation shall make grants, on a competitive basis, to public or governmental entities to assist in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through port and intermodal connections.

“(2) ELIGIBLE APPLICANT.—The Secretary may make a grant under this subsection to the following:

“(A) A State.

“(B) A political subdivision of a State, or a local government.

“(C) A public agency or publicly chartered authority established by or on behalf of the Maritime Administration.

“(D) A special purpose district with a transportation function.
(E) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), without regard to capitalization), or a consortium consisting of (A) and (B); (F) A multistate or multi-jurisdictional group of entities described in this paragraph; (G) A lead entity described in subparagraph (A), (B), (C), (D), (E), or (F) jointly with a private entity or group of private entities; (3) ELIGIBLE PROJECTS.—The Secretary may make a grant under this subsection— (A) for a project, or package of projects, that— (i) is either 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 intelligence transportation systems, and door-to-door systems; (III) environmental mitigation measures and operational improvements directly related to the efficiency of ports and intermodal connections to ports; or (B) notwithstanding paragraph (6)(A)(v), to provide financial assistance to 1 or more projects under subparagraph (A) for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, and preliminary engineering and design work; (4) PROHIBITED USES.—A grant award under this subsection may not be used— (A) to finance or refinance the construction, reconstruction, reconditioning, or purchase of a vessel that is eligible for such assistance under chapter 537, unless the Secretary determines such vessel— (i) is necessary for a project described in paragraph (3)(A)(II)(III) of this subsection; and (ii) is not receiving assistance under chapter 537; (B) for any project within a small shipyard (as defined in section 54101). (5) APPLICATIONS AND PROCESS.— (A) To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary considers appropriate. (B) SOLICITATION PROCESS.—Not later than 60 days after the date that amounts are made available for grants under this subsection for a fiscal year may be used to make grants for projects in any 1 State. (C) SMALL PROJECTS.—The Secretary shall provide such assistance on an alternative basis for determining whether a project is cost effective, for a small project described in paragraph (3)(A) that request the least— (i) 10 percent of the amounts made available for grants under this subsection for a fiscal year; or (ii) $1,000,000. (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). (E) FEDERAL SHARE OF TOTAL PROJECT COSTS.— (A) TOTAL PROJECT COSTS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an estimate of the total costs of a project under this subsection based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities; (B) FEDERAL SHARE.— (i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total costs of a project under this subsection shall not exceed 80 percent. (ii) RURAL AREAS.—The Secretary may increase the Federal share of costs above 80 percent for projects located in a rural area. (F) PROCEDURAL SAFEGUARDS.—The Secretary shall issue guidelines to establish appropriate accounting, reporting, and review procedures. (G) GRANT FUNDS.— (A) GRANT FUNDS.— (i) IN GENERAL.—The Secretary shall require that— (I) the project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port; (II) the project is cost effective; (iii) the eligible applicant has authority to carry out the project; (iv) the eligible applicant has sufficient funding available to meet the matching requirements under paragraph (8); (v) the project will be completed without unreasonable delay; and (vi) the project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor. (B) ADDITIONAL CONSIDERATIONS.—In selecting projects described in paragraph (3) for funding under this subsection, the Secretary shall give substantial weight to— (i) the utilization of non-Federal contributions; (ii) the net benefits of the funds awarded under this subsection, considering the cost-benefit analysis of the project, as applicable; and (iii) the public benefits of the funds awarded under this subsection. (C) SMALL PROJECTS.—The Secretary may waive the requirements under paragraph (A) and, and establish a simplified, alternative basis for determining whether a project is cost effective, for a small project described in paragraph (3)(A) that request the least— (i) 10 percent of the amounts made available for grants under this subsection for a fiscal year; or (ii) $1,000,000. (D) PORT.—The term 'port' includes— (i) a seaport; and (ii) an inland waterway port. (E) PROJECT.—The term 'project' includes construction, reconstruction, or environmental rehabilitation, acquisition of property, including land related to the project and improvements to the land, equipment acquisition, and operational improvements. (F) RURAL AREA.—The term 'rural area' means an area that is outside an urbanized area.
Section 3521. Assessment and Report on Strategic Seaports.

(a) In General.—Not later than 90 days after the date of the enactment of this title, the Secretary of Defense shall submit to the Congress an assessment on the national security and military strategic importance of the ports designated by the Department of Defense as strategic seaports.

(b) Elements.—The report required by subsection (a) shall include, with respect to port facilities included in the report, the following:

(1) An assessment whether there are structural integrity or other deficiencies in such facilities.

(2) If there are such deficiencies—

(A) an assessment of infrastructure improvement by such facilities that would be needed to meet, directly or indirectly, national security and readiness requirements;

(B) an assessment of the impact on operations and the Armed Forces if such improvements are not undertaken; and

(C) an identification of, to the maximum extent practical, all potential funding sources for such improvements from existing authorities.

(3) An identification of the support that would be appropriate for the Department of Defense to provide to the Secretary of Transportation; and

(4) Authority, if appropriate, for the Secretary to designate ports in other Federal agencies and non-Federal entities as strategic seaports.

(c) Consultation.—The Secretary of Defense shall consult with the Secretary of Transportation, the Administrator of the Maritime Administration, the Secretary of the Army, and the Secretary of the Navy in preparing the report required by subsection (a).

Section 3522. Maritime Technical Assistance Program.

Section 5410(d) of title 46, United States Code, is amended—

(1) by striking "Grants awarded" and inserting "the following:

(1) In general.—Grants awarded; and

(2) by adding at the end the following:

(2) Buy America.— (A) In general.—Subject to subparagraph (B), no funds may be obligated by the Administrator of the Maritime Administration under this section, unless each product and material purchased with those funds (including products and materials purchased by a grantee, and any commercially available off-the-shelf item, is—

(i) an unmanufactured article, material, or supply that has been mined or produced in the United States;

(ii) a manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(B) Exceptions.—(i) Notwithstanding subparagraph (A), the requirements of that subparagraph shall not apply with respect to a particular product or material if the Administrator determines—

(I) that the application of those requirements would be inconsistent with the public interest;

(II) that such product or material is not available in the United States in sufficient and reasonably available quantities, of a satisfactory quality, or on a timely basis; or

(III) that satisfying that cost or material will increase the cost of that product or material by more than 25 percent, with respect to a certain contract between a grantee and the grantee's supplier.

(ii) Federal register.—A determination made by the Administrator under this subparagraph shall be published in the Federal Register.

(D) Definitions.—In this paragraph:

(I) The term "commercially available off-the-shelf item" means—

(aa) a commercial item, as defined by section 2.101 of title 48, Code of Federal Regulations (as in effect on the date of enactment of the Maritime Administration Authorization and Enhancement Act of 2019); and

(bb) sold in substantial quantities in the commercial, government, and private sectors.

(ii) The term "product or material" means an article, material, or supply brought to the site by the recipient for incorporation into the construction or improvement of a project. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as fire, smoke, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single item.

(iii) The term "American-made" includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

Section 3524. Improvement of National Oceangoth Graphic Programs.

(a) Additional Means of Achievement of Goals of Program through Oceangoth Graphic Efforts.—Section 8931(b)(2)(A) of title 10, United States Code, is amended—

(1) by inserting "creating", after "identifying"; and

(2) by inserting "science" after "areas of".

(b) National Ocean Research Leadership Council, Membership.—Section 8932 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (f) through (h) as paragraphs (g) through (i), respectively; and

(2) by redesignating paragraph (9) as paragraph (10), and inserting new paragraphs:

(i) The Director of the Bureau of Ocean Energy Management of the Department of the Interior;

(ii) The Director of the Bureau of Safety and Environmental Enforcement of the Department of the Interior;

(iii) The Secretary of the Navy;

(iv) The Under Secretary of Commerce for Oceangoth; and

(v) The director of the National Oceanic and Atmospheric Administration.

(iii) Committee.—The Committees on Commerce, Science, and Transportation of the Senate, the Committee on Commerce, Science, and Transportation of the House of Representatives, the Committee on Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Armed Services of the House of Representatives shall jointly review the activities of the National Oceangoth Research Leadership Council and may make recommendations to the Committees on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives for the funding of the Program.

(iv) Oversight.—The Committees on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the House of Representatives, and the Committee on Armed Services of the House of Representatives shall periodically report to the Congress on the activities of the National Oceangoth Research Leadership Council and the Federal and non-Federal expenditures associated with the Program.

(v) Description.—(A) Each quarter, the Committees on Commerce, Science, and Transportation of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Armed Services of the House of Representatives shall submit a report to the Committees on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the House of Representatives, and the Committee on Armed Services of the House of Representatives that includes—

(I) a description of the involvement of Federal agencies and non-Federal contributors participating in the program;

(II) a description of the Federal and non-Federal expenditures associated with the Program; and

(III) an estimate of the Federal and non-Federal expenditures associated with the Program during the fiscal year.
(15) VESSEL OF NATIONAL INTEREST.—The

3. By striking paragraphs (5) and (6) through (15) as paragraphs (5) through (14), respectively, and

4. By adding at the end the following:

(c) in clause (ii), by striking ''under section 53703(c) of this title'' and inserting ''under section 53716 of this title;''

(b) in subparagraph (B), by striking ''a deposit fund under section 53716 of this title;''; and

(A) in the matter preceding clause (i), by striking ''including an eligible export vessel;''

(d) in clause (iv) by adding ''or'' after the semicolon;

(C) in clause (v), by striking ''or'' and inserting a period; and

(D) by striking clause (vi) and

2. By redesignating subparagraphs (4) and (5) as paragraphs (4) and (5), respectively.

3. By redesignating subsection (c) as subsection (d) and

4. By adding at the end the following:

(C) by adding at the end the following:

''after the semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and'';

(A) in subparagraph (A)—

''the Secretary or Administrator may post a notice in the Federal Register regarding the availability of funding for obligation guarantees under this chapter for the construction, reconstruction, or reconditioning of a Vessel of National Interest;''

(A) by striking paragraphs (3) and (6); and

(B) by striking paragraphs (3) and (6); and

5. By inserting a period after paragraph (2).

6. By adding at the end the following:

(C) by adding at the end the following:

D. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

E. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

F. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

G. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

H. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

I. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

J. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

K. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

L. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

M. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

N. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

O. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

P. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

Q. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

R. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

S. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

T. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

U. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

V. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

W. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

X. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

Y. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

Z. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

AA. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

BB. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

CC. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

DD. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

EE. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

FF. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

GG. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

HH. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

II. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

JJ. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

KK. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

LL. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

MM. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

NN. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

OO. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

PP. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

QQ. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

RR. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

SS. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

TT. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

UU. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

VV. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

WW. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

XX. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

YY. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.

ZZ. The Secretary or Administrator may submit a list to the congressional budget committees containing the names of States requesting special consideration and理由 for such consideration.
SEC. 3527. UNITED STATES MERCHANT MARINE ACADEMY'S SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Transportation shall ensure that, not later than 180 days after the date of enactment of this title, the Commander in Chief, U.S. Naval Forces Europe, and the Commandant of the U.S. Coast Guard, together with the Administrator of the Maritime Administration, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the resources that are needed to fully implement such recommendations.

(b) IMPLEMENTATION OF RECOMMENDATIONS.—The Commander in Chief, U.S. Naval Forces Europe, and the Commandant of the U.S. Coast Guard, together with the Administrator of the Maritime Administration, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains a description of the resources that are needed to fully implement such recommendations.

SEC. 3528. REPORT ON VESSELS FOR EMERGING OFFSHORE ENERGY INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy, the Secretary of the Interior, and the heads of other relevant agencies as appropriate, shall prepare and submit a report to Congress—

(1) confirming that the recommendations described in subsection (a) have been fully implemented, and explaining how those recommendations have been implemented; or

(2) if such recommendations have not been fully implemented as of the date of the report, including an explanation of why such recommendations have not been implemented and a description of the resources that are needed to fully implement such recommendations.

(b) REPORT.—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation shall submit to Congress—

(1) a projection of existing vessels needed to meet such emerging offshore energy needs over the next 10 years; and

(2) policy recommendations to ensure the vessel capacity to support such emerging offshore energy infrastructure.

(III) if such recommendations have not been fully implemented, and explaining how those recommendations have been fully implemented as of the date of the report, including an explanation of why such recommendations have not been implemented and a description of the resources that are needed to fully implement such recommendations.

(c) CONTENTS.—Such report shall include—

(1) a projection of existing vessels needed to meet such emerging offshore energy needs over the next 10 years; and

(2) policy recommendations to ensure the vessel capacity to support such emerging offshore energy infrastructure.

(d) TRANSMITTAL.—Not later than 6 months after the date of enactment of this title, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the House of Representatives a report on the need for vessels to install, operate, and maintain emerging offshore energy infrastructure, including offshore wind energy.

(e) IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary or Administrator shall ensure that such recommendations described in subsection (a) have been fully implemented, and explaining how those recommendations have been implemented; or

(f) if such recommendations have not been fully implemented as of the date of the report, including an explanation of why such recommendations have not been implemented and a description of the resources that are needed to fully implement such recommendations.

SEC. 3529. SHORT TITLES.

(a) SHORT TITLES.—This subtitle may be cited as the “Maritime Security and Fisheries Enforcement Act” or the “Maritime SAFE Act”.

(b) DEFINITIONS.—In this subtitle:

(1) AIS.—The term “AIS” means Automatic Identification System (as defined in section 164.46 of title 33, Code of Federal Regulations, or a similar successor regulation).

(2) COMBINED MARITIME FORCES.—The term “Combined Maritime Forces” means the 33 nation naval partnership, originally established in February 2002, which promotes security and prosperity across areas of approximately 3,200,000 square miles of international waters.

(3) EXCLUSIVE ECONOMIC ZONE.—(A) The term “exclusive economic zone” means the area within a zone established by a maritime boundary that has been established by treaty or agreement that is being provisionally applied by the United States; or

(B) the area within a zone established by a maritime boundary that has been provisionally applied by the United States.

(6) IUU FISHING.—The term “IUU fishing” means illegal fishing, unreported fishing, or unregulated fishing (as such terms are defined in paragraph 3 of the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, adopted at the 24th Session of the Committee on Fisheries in Rome on March 2, 2001).

(7) PORT STATE MEASURES AGREEMENT.—The term “Port State Measures Agreement” means the Agreement on Port State Measures to Prevent, Detain, and Eliminate Illegal, Unreported, and Unregulated Fishing, adopted, on December 21, 2007, as amended, by the Food and Agriculture Organization of the United Nations.

(8) PRIVILEGED FLAG.—The term “privileged flag” means a country selected in accordance with section 5275(b)(3) of title 46, United States Code.

(9) SKEA.—The term “SKEA” means specified domestic and international interest.

(10) UNITED STATES FISHERIES.—The term “United States fisheries” means United States domestic and international fisheries.

(11) UNAUTHORIZED FISHING VESSELS.—The term “unauthorized fishing vessels” means illegal fishing, unreported fishing, or unregulated fishing.

(12) UNITS OF MEASURE.—The term “units of measure” means meters and marine leagues.

(13) VESSELS.—The term “vessels” means vessels, supply vessels, and fishing vessels.
(B) that is willing, but lacks the capacity, to monitor or take effective enforcement action against its fleet.

(9) PRIORITY REGION.—The term ‘priority region’ means a region selected in accordance with section 3552(b)(2)—

(A) that is at high risk for IUU fishing activity or the entry of illegally caught seafood into the markets of countries in the region; and

(B) in which countries lack the capacity to fully address the illegal activity described in subparagraph (A).

(10) REGIONAL FISHERIES MANAGEMENT ORGANIZATION.—The term ‘Regional Fisheries Management Organization’ means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures.

(11) SEAFOOD.—The term ‘seafood’—

(A) means marine finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, including those grown, produced, or reared through marine aquaculture operations or techniques; and

(B) does not include marine mammals, turtles, or crocodiles.

(12) TRANSNATIONAL ORGANIZED ILLEGAL ACTIVITY.—The term ‘transnational organized illegal activity’ means criminal activity conducted or directed from outside the United States by individuals that operate transnationally for the purpose of obtaining power, influence, or control over commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms.

(13) TRANSPARENCY.—The term ‘transparency’ means the use of refrigerated vessels that—

(A) collect catch from multiple fishing boats;

(B) carry the accumulated catches back to port; and

(C) deliver supplies to fishing boats, which allows fishing vessels to remain at sea for extended periods without coming into port.

SEC. 3533. PURPOSES.

The purposes of this subtitle are—

(1) to support a whole-of-government approach, working with the Federal Government to counter IUU fishing and related threats to maritime security;

(2) to improve data sharing that enhances surveillance, enforcement, and prosecution against IUU fishing and related activities at a global level;

(3) to support coordination and collaboration to counter IUU fishing within priority regions;

(4) to increase and improve global transparency and traceability across the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) a tool for strengthening fisheries management and traceability;

(5) to improve global enforcement operations against IUU fishing through a whole-of-government approach by the United States; and

(6) to prevent the use of IUU fishing as a financing source for transnational organized groups that undermine United States and global security interests.

SEC. 3534. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to take action to curtail the global trade in seafood and seafood products derived from IUU fishing, including its links to forced labor and transnational organized illegal activity;

(2) to employ diplomatic, military, law enforcement, economic, and capacity-building tools to counter IUU fishing;

(3) to provide technical assistance to countries in priority regions and priority flag states to combat IUU fishing, including assistance—

(A) to increase local, national, and regional level capacities to counter IUU fishing through the engagement of law enforcement and security forces;

(B) to enhance capacity and security, including by supporting other countries in working toward the adoption and implementation of the Port State Measures Agreement;

(C) to combat corruption and increase transparency and traceability in fisheries management; and

(D) to enhance information sharing within and across governments and multilateral organizations through the development and use of agreed standards for information sharing; and

(E) to support effective, science-based fisheries management regimes that promote legal and safe fisheries and act as a deterrent to IUU fishing;

(4) to promote global maritime security through improved capacity and technological assistance to support improved maritime domain awareness;

(5) to engage with priority flag states to encourage the use of high quality vessel tracking technologies where existing enforcement tools are lacking;

(6) to engage with multilateral organizations working on fisheries issues, including Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, to combat and deter IUU fishing;

(7) to advance information sharing across governments and multilateral organizations in areas that cross multiple jurisdictions, through the adoption and enforcement of an agreed standard for information sharing;

(8) to continue to use existing and future trade agreements to combat IUU fishing;

(9) to employ appropriate assets and resources of the United States Government in a coordinated manner to disrupt the illicit networks involved in IUU fishing;

(10) to continue to declassify and make available, as appropriate and practicable, technologies developed by the United States Government that can be used to help counter IUU fishing;

(11) to recognize the ties of IUU fishing to transnational organized illegal activity, criminal organizations, and illicit trafficking in narcotics and, as applicable, to focus on illicit activity in a coordinated, cross-cutting manner;

(12) to respond to poor working conditions, labor abuses, and other violent crimes in the fishing industry;

(13) to increase and improve global transparency and traceability along the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) an approach for strengthening fisheries management and traceability;

(14) to promote technological investment and innovation to combat IUU fishing.

PART I—PROGRAMS TO COMBAT IUU FISHING AND INCREASE MARITIME SECURITY

SEC. 3541. COORDINATION WITH INTERNATIONAL ORGANIZATIONS.

The Secretary of State, in conjunction with the Secretary of Commerce, shall coordinate with Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, and may coordinate with other relevant international governmental or nongovernmental organizations, or the private sector, to implement programs and projects to respond to IUU fishing and related transnational organized illegal activities.
and of priority flag states, shall evaluate opportunities to assist those countries in designing and implementing programs in such countries, as appropriate, to increase the capacity of law enforcement and customs and border security officers to improve their ability—

(1) to conduct effective investigations, including undercover investigations, and the development of informer networks and actionable intelligence;

(2) to conduct vessel boardings and inspections at sea and associated enforcement actions;

(3) to exercise existing shiprider agreements, including into and implementing new shiprider agreements, as appropriate, including in those countries that have not adopted the Port State Measures Agreement;

(4) to conduct vessel inspections at port and associated enforcement actions;

(5) to assess technology needs and promote the use of technology to improve monitoring, enforcement, and prosecution of IUU fishing;

(6) to conduct DNA-based and forensic identification of seafood used in trade;

(7) to improve on techniques such as collecting electronic evidence and using computer forensics, for law enforcement personnel involved in complex investigations related to central matters, financial issues, and government corruption that include IUU fishing;

(8) to assess financial flows and the use of financial institutions to launder profits related to IUU fishing;

(9) to conduct training on the legal mechanisms that can be used to prosecute those identified in the investigations as alleged perpetrators of IUU fishing and other associated crimes such as trafficking and forced labor; and

(10) to conduct training to raise awareness of the use of whistleblower information and ways to incentivize whistleblowers to come forward with original information related to IUU fishing.

(e) Capacity Building for Information Sharing.—The officials referred to in subsection (a) shall evaluate opportunities to provide, or appropriately encourage countries in priority regions and priority flag states in the form of training, equipment, and systems development to build capacity for sharing related to maritime enforcement and port security.

(f) Coordination with Other Relevant Agencies.—The Secretary of State, in collaboration with the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, and the Secretary of Commerce, shall coordinate with other relevant agencies, as appropriate, in accordance with this section.

SEC. 3544. EXPANSION OF EXISTING MECHANISMS FOR PREVENTION OF IUU FISHING.

The Secretary of State, the Administrator of the United States Agency for International Development, the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other appropriate Federal agencies shall assess opportunities to combat IUU fishing by expanding, as appropriate, the use of the following mechanisms:

(1) Including counter-IUU fishing in existing shiprider agreements in which the United States is a party.

(2) Including into shiprider agreements that include counter-IUU fishing with priority flag states and countries in priority regions with which the United States does not already have such an agreement.

(3) Including counter-IUU fishing as part of the mission of the Combined Maritime Forces.

(4) Including counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the Department of Homeland Security.

(5) Creating partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in priority regions.

SEC. 3545. IMPROVEMENT OF TRANSPARENCY AND TRACEABILITY PROGRAMS.

The Secretary of State, the Administrator of the United States Agency for International Development, the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Commerce, and the heads of other Federal agencies, if merited, shall work, as appropriate, with priority flag states and key countries in priority regions—

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(2) to improve the capacity of seafood industries within such countries to share information and training to meet the requirements of transparency and traceability standards for seafood and seafood products; and

(3) to promote the involvement of fishery management organizations in such countries about the United States transparency and traceability standards for imports of seafood that—

(A) deter IUU fishing;

(B) strengthen fisheries management; and

(C) enhance maritime domain awareness;

and

(4) to improve the capacities of government, industry, and civil society groups to develop and implement comprehensive traceability systems that—

(A) deter IUU fishing;

(B) strengthen fisheries management; and

(C) enhance maritime domain awareness;

and

(5) to improve the capacities of government, industry, and civil society groups to develop and implement comprehensive traceability systems that—

(A) deter IUU fishing;

(B) strengthen fisheries management; and

(C) enhance maritime domain awareness.

SEC. 3546. TECHNOLOGY PROGRAMS.

The Secretary of State, the Administrator of the United States Agency for International Development, the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Defense, and the heads of other Federal agencies, as appropriate, shall pursue programs to expand the role of technology for combating IUU fishing, including by—

(1) promoting the use of technology to combat IUU fishing;

(2) assessing the technology needs, including vessel tracking technologies and data sharing, in priority regions and priority flag states;

(3) engaging with priority flag states to encourage the mandated use of vessel tracking technologies, including vessel monitoring systems, AIS, or other vessel movement monitoring technologies on fishing vessels and transhipment vessels at all times, as appropriate, while at sea as a means to identify IUU fishing activities and the shipment of illegal and illicit catch; and

(4) building partnerships with the private sector, including universities, nonprofit research organizations, the seafood industry, and the transportation and logistics sectors, to leverage new and existing technologies and data analytics to address IUU fishing.

SEC. 3547. SAVINGS CLAUSE.

No provision of section 3532 or of this part shall impose, or be interpreted to impose, any duty, responsibility, requirement, or obligation on the Department of Defense, the Department of the Navy, or any official or component of either.

PART IV—ESTABLISHMENT OF INTERAGENCY WORKING GROUP ON IUU FISHING

SEC. 3531. INTERAGENCY WORKING GROUP ON IUU FISHING.

(a) In General.—There is established a collaborative interagency working group on maritime security and IUU fishing (referred to in this subtitle as the ‘‘Working Group’’).

(b) Membership.—The Working Group shall be composed of—

(1) 1 chair, who shall rotate between the Coast Guard, the Department of State, and the National Oceanic and Atmospheric Administration on a 3-year term;

(2) 2 deputy chairs, who shall be appointed by the Working Group from the President.

(c) Responsibilities.—The Working Group shall carry out the following responsibilities:

(1) 1 chair, who shall rotate between the Coast Guard, the Department of State, and the National Oceanic and Atmospheric Administration;

(2) 11 members, who shall be appointed by the Working Group from the President.

(d) Duration.—The Working Group shall remain in existence until June 30, 2026.
(9) identifying opportunities for increased information sharing between Federal agencies and partner governments working to combat IUU fishing;
(10) identifying and coordinating with the seafood industry and nongovernmental stakeholders that work to combat IUU fishing;

(11) supporting the work of collaborative international initiatives to make available certified data from state authorities about vessel and vessel-related activities related to IUU fishing;

(12) supporting the identification and certification procedures to address IUU fishing in accordance with the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.);

(13) publishing annual reports summarizing non-sensitive information about the Working Group’s efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing.

SEC. 3552. STRATEGIC PLAN.

(a) STRATEGIC PLAN.—Not later than 2 years after the date of the enactment of this title, the Working Group, after consultation with the relevant stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Commerce, Science, and Transportation of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives a 5-year integrated strategic plan on combating IUU fishing and enhancing maritime security, including specific strategies with monitoring benchmarks for addressing IUU fishing in priority regions.

(b) IDENTIFICATION OF PRIORITY REGIONS AND PRIORITY FLAG STATES.—

(1) within the priorities and priority flag states to be the focus of assistance coordinated by the Working Group under section 3551.

(2) PRIORITY REGION SELECTION CRITERIA.—In selecting priority regions under paragraph (1), the Working Group shall select regions that—

(A) are at high risk for IUU fishing activity or the entry of illegally caught seafood into their markets; and

(B) are able and prepared to fully address the issues described in subparagraph (A).

(3) PRIORITY FLAG STATES SELECTION CRITERIA.—In selecting priority flag states under paragraph (2), the Working Group shall select countries—

(A) the flagged vessels of which actively engage in, knowingly profit from, or are complicit in IUU fishing; and

(B) that lack the capacity to police their fleet.

SEC. 3553. REPORTS.

Not later than 5 years after the submission of the 5-year integrated strategic plan under section 3552, and 5 years after, the Working Group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Commerce, Science, and Transportation of the House of Representatives, the Select Committee on Intelligence of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains—

(1) a summary of global and regional trends in IUU fishing;

(2) an assessment of the extent of the convergence between transnational organized illegal activity, including human trafficking and forced labor, and IUU fishing;

(3) an assessment of the extent of the extent of the convergence between transnational organized illegal activity, including human trafficking and forced labor, and IUU fishing;

(4) an assessment of assets, including military assets and intelligence, which can be used for either enforcement operations or strategies to combat IUU fishing;

(5) summaries of the situational threats with respect to IUU fishing in priority regions and an assessment of the capacity of countries within such regions to respond to those threats;

(6) an assessment of the progress of countries in priority regions in responding to those threats as a result of assistance by the United States pursuant to the strategic plan developed under section 3552, including—

(A) the identification of—

(i) relevant supply routes, ports of call, methods of landing and entering illegally caught product into legal supply chains, and financial institutions used in each country by participants engaging in IUU fishing; and

(ii) indicators of IUU fishing that are related to money laundering;

(B) an assessment of adherence to, or progress toward adoption of, international treaties related to IUU fishing, including the Port State Measures Agreement, by countries in priority regions;

(C) an assessment of the implementation by countries in priority regions of seafood traceability or capacity to apply traceability to verify the legality of catch and strengthen fisheries management;

(D) an assessment of the capacity of countries in priority regions to implement shipboard agreements;

(E) an assessment of the capacity of countries in priority regions to increase maritime domain awareness; and

(F) an assessment of the capacity of governments of relevant countries in priority regions to sustain the programs for which the United States has provided assistance under this subtitle;

(7) an assessment of the capacity of priority flag states to track the movement of and police their fleet, prevent their flagged vessels from engaging in IUU fishing, and enforce applicable laws and regulations; and


SEC. 3554. GULF OF MEXICO IUU FISHING SUB-WORKING GROUP.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this title, the Secretary of State and the Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Coast Guard and the Department of State, shall submit a working group to address IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico.

(b) FOCUS.—The subworking group established under subsection (a) shall identify—

(1) Federal actions taken and policies established in the 5-year period immediately preceding the date of the enactment of this title with respect to IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico, including such actions and policies related to—

(A) the surveillance, interdiction, and prosecution of any foreign nationals engaged in such fishing;

(B) the application of the provisions of the High Seas Driftnet Fishing Moratorium Pro-
illegal practices in the catching of seafood in the countries on the list compiled pursuant to paragraph (1); and

(5) such recommendations as the Secretary of State may determine appropriate for legisla-
tive or administrative action to enhance and improve actions against human trafficking, including forced labor, in the catching and processing of seafood products outside of United States waters.

PART II—AUTHORIZATION OF APPROPRIATIONS

SEC. 3571. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING.—Amounts made available to carry out this subtitle shall be derived from amounts appropriated or otherwise made available to the relevant agencies and de-

parments.

(b) NO INCREASE IN CONTRIBUTIONS.—Nothing in this subtitle shall be construed to au-

thorize an increase in required or voluntary contributions paid by the United States to

any multilateral or international organiza-

tion.

SEC. 3572. ACCOUNTING OF FUNDS.

By not later than 180 days after the date of enactment of this title, the head of each Fed-

eral agency or department containing funds as described in section 313(c) of the Emer-

dency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(1)) shall provide an accounting of all funds made available under this subtitle to the Federal agen-
cy.

SA 745, Mrs. CAPITO (for herself, Mr. CARPER, Mr. BARRASSO, Mr. GARDNER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. SULLIVAN, and Mr. TOOMEY) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Depa-

rtment 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 318(a), add at the end the fol-

lowing:

(3) OTHER AUTHORITY.—In addition to the requirements under paragraph (1), when other-

wise authorized to expend funds for the purpose of addressing ground or surface water contaminated by a perfluorinated compound, the Secretary of Defense may, to expend those funds, enter into a grant agree-

ment with—

(A) a local water authority with jurisdic-
tion over the contamination site, including—

(i) a public water system (as defined in sec-

tion 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); and

(ii) a publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)); or

(B) a State, local, or Tribal government.

At the end of Division A, add the following:

TITLe XVII—PFAS RELEASE DISCLOSURE, DETECTION, AND SAFE DRINKING WATER ASSISTANCE

SEC. 1701. DEFINITION OF ADMINISTRATOR.

In this title the term "Administrator" means the Administrator of the Environ-

mental Protection Agency.

Subtitle A—PFAS Release Disclosure

SEC. 1711. ADDITIONS TO TOXICS RELEASE IN-

VENTORY.

(a) DEFINITION OF TOXICS RELEASE IN-

VENTORY.—In this section, the term "toxics re-

lease inventory" means the toxics release in-

ventory under section 313(c) of the Emer-

gency Planning and Community Right-To-

Know Act of 1986 (42 U.S.C. 11023(c)).

(b) IMPROVED RELEASE INVENTORY.

(1) IN GENERAL.—Subject to subsection (e), beginning January 1 of the calendar year fol-

lowing the date of enactment of this Act, the following chemicals shall be deemed to be in-

cluded in the toxics release inventory:

(A) Perfluoroacetic acid (commonly re-

ferred to as "PFAA") (Chemical Abstracts Service No. 335-67-1).

(B) The salt associated with the chemical described in subparagraph (A) (Chemical Ab-

stracts Service No. 1765-23-1).

(C) Perfluorooctane sulfonic acid (commonly referred to as "PFOS") (Chemical Ab-

stracts Service No. 1765-23-1).

(D) The salts associated with the chemical described in subparagraph (C) (Chemical Ab-

stracts Service Nos. 45288-90-6, 29457-72-5, 56774-92-7, 29861-56-9, 40217-6-6, 111873-33-7, and 11036-7-4).

(E) A perfluoralkyl or polyfluoroalkyl substance or class of perfluoralkyl or polyfluoroalkyl substances that is—

(i) listed as an active chemical substance in the February 2019 update to the inventory under section 313(f)(1) of the Toxic Substances Control Act (42 U.S.C. 11023(f)(1)); and

(ii) on the date of enactment of this Act, subject to the provisions of—

(I) section 721.958 of title 40, Code of Fed-

eral Regulations; and


(2) THRESHOLD FOR REPORTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the threshold for reporting the chemi-

cals described in paragraph (1) (Chemical Abstracts Service Nos. 29457-72-5, 335-67-1, and 11036-7-4) and

(B) REVISIONS.—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

(i) determine whether revision of the thresholds under subparagraph (A) is war-

ranted; and

(ii) if the Administrator determines a revi-

sion to be warranted under clause (i), initi-

ate a revision under section 313(f)(2) of the Emergency Planning and Community Right-

To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).

(d) INCLUSION FOLLOWING DETERMINATION.—

(1) IN GENERAL.—To the extent not already subject to subsection (b), not later than 2 years after the date of enactment of this Act, the Administrator shall determine whether the substances and classes of sub-

stances described in paragraph (2) meet the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-


(2) SUBSTANCES DESCRIBED.—The sub-

stances and classes of substances referred to in paragraph (1) are perfluoralkyl and perfluoroaryl substances and classes of perfluoralkyl and polyfluoroalkyl substances, including—

(A) hexafluoropropylene oxide dimer acidi-

cular (Chemical Abstracts Service No. 12322-15-6); and

(B) the compounds associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 62037-80-3 and 2062-98-8).

(C) perfluoro(2-pentafluorooctoxy)-ethoxyacic acid (Chemical Abstracts Service No. 908282-52-0); 2,3,3,3-tetrafluoro-1,2,3,3,3-hexafluoro-2-(trifluoromethoxy) propyl fluoride (Chemical Abstracts Service No. 2479-75-6); and

(E) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexa-

fluoro-2-(trifluoromethoxy) propionic acid (Chemical Abstracts Service No. 2479-73-4).

(F) 3H-perfluoro-3-(3-methoxy-propoxy) propanoic acid (Chemical Abstracts Service No. 919005-14-4); and

(G) the salts associated with the chemical described in subparagraph (F) (Chemical Ab-

stracts Service Nos. 958445-44-8, 1087271-46-2, and NOCAS _892462).

(H) 2,3,3,3-tetrafluoro 1-octanosulfonic acid 3,3,3-trifluoro-7,8,9,10-tetrafluoro-

potassium salt (Chemical Abstracts Service No. 59587-38-1);
(I) perfluorobutanesulfonic acid (Chemical Abstracts Service No. 375–73–5);

(J) 1-Butanesulfonic acid, 1,1,2,2,3,3,4,4-nonfluoro-potassium salt (Chemical Abstracts Service No. 29492–43–9);

(K) the component associated with the chemical described in subparagraph (J) (Chemical Abstracts Service No. 45187–15–3);

(L) perfluorothiophenol (Chemical Abstracts Service No. 375–22–4);

(M) perfluorohexanoic acid (Chemical Abstracts Service No. 307–24–4);

(N) perfluorooctanoic acid (Chemically referred to as 'PFOS'); and

(O) perfluorooctane sulfonic acid (commonly referred to as 'PFOSA'); and

(1) in general.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator shall promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

(1) perfluorooctanoic acid (commonly referred to as ‘PFOS’); and

(2) perfluorooctane sulfonic acid (commonly referred to as ‘PFOSA’); and

(ii) ALTERNATIVE PROCEDURES.—

(2) in general.—Not later than 1 year after the validation by the Administrator of an equal or more effective quality control and testing procedure to comply with the requirements of paragraph (1), the Administrator shall develop an equally effective quality control and testing procedure to comply with that national primary drinking water regulation to measure the levels described in subclause (II) or other methods to detect and monitor perfluoroalkyl and polyfluoroalkyl substances in drinking water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in that national primary drinking water regulation by publishing the procedure or method in the Federal Register.

(II) LEVELS DESCRIBED.—The levels referred to in subclause (I) are—

(aa) the level of a perfluoroalkyl or polyfluoroalkyl substance; and

(bb) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

(cc) the total levels of organic fluorine.

(iii) INCLUSIONS.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances on—

(I) the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

(II) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i).

(iv) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under clause (i) or clause (vi)(II), the Administrator shall tailor the monitoring requirements for public water systems to reflect the reliability and consistency below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.

(v) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information available to the Administrator with respect to more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances for which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

(vi) REGULATION OF ADDITIONAL SUBSTANCES.—

(1) DETERMINATION.—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (ii) through (vii) of section 307(d)(2)(B) of the Safe Drinking Water Act, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under clause (i) not later than 18 months after the later of—

(a) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

(b) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances, if such a procedure did not exist on the date on which the Administrator finalized the toxicity value described in item (aa) was finalized.

(ii) WAIVER.—The Administrator may waive the requirements of subclause (I) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not later than 1 year after the later of—

(a) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

(b) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances, if such a procedure did not exist on the date on which the Administrator finalized the toxicity value described in item (aa) was finalized.

SEC. 172. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

Subtitle B—Drinking Water

SEC. 1721. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

Section 1445 of the Safe Drinking Water Act (42 U.S.C. 300g–1(c)(2)) is amended by adding at the end the following:

"(D) PERFLUOALOXYL AND POLYFLUOROALOXYL SUBSTANCES.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator shall promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

(1) perfluorooctanoic acid (commonly referred to as ‘PFOS’); and

(II) PRIMARY DRINKING WATER REGULATIONS.—

(aa) in general.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under subclause (I), the Administrator—

(1) shall select a drinking water level as the starting point for the promulgation of a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

(bb) shall provide—

(A) the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

(B) the date on which the Administrator takes final action on the proposed national primary drinking water regulation.

(bb) DEADLINE.—

(a) IN GENERAL.—Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under item (aa)(AA), the Administrator shall take final action on the proposed national primary drinking water regulation.

(bb) EXTENSION.—The Administrator, on publication of notice in the Federal Register, may extend the deadline under subitem (AA) by not more than 6 months.

(vii) LIFETIME DRINKING WATER HEALTH ADVISORY.

(1) IN GENERAL.—Subject to subclause (II), the Administrator shall publish a health advisory under paragraph (1)(A)(i) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not later than 1 year after the later of—

(a) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

(b) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances, if such a procedure did not exist on the date on which the Administrator finalized the toxicity value described in item (aa) was finalized.

(II) WAIVER.—The Administrator may waive the requirements of subclause (I) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not later than 1 year after the later of—

(a) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

(b) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances, if such a procedure did not exist on the date on which the Administrator finalized the toxicity value described in item (aa) was finalized.
SEC. 1439E. EMERGING CONTAMINANTS GRANTS.

(a) In General.—Subject to subsection (b), the Administrator shall establish a program to provide grants to public water systems for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.

(b) Requirements.—

(1) Priorities.—In selecting recipients of grants under subsection (a), the Administrator shall use the priorities described in section 1452(d)(3); or

(2) Emphasis.—In applying for a grant under subsection (a), a public water system must describe how the grant will be used to address the threat of emerging contaminants.

SEC. 1731. DEFINITIONS.

In this subtitle—

(a) In General.—The term “Director” means the Director of the United States Geological Survey.

(b) Perfluorinated Compound.—

(1) In General.—The term “perfluorinated compound” means a perfluoroalkyl substance or a polyfluoroalkyl substance that is manufactured, at a facility, with 16 or more fluorine substituents.

(c) Authorization of Appropriations.—

The funds made available under section 1452(a)(2) shall be used to inform the prioritization and funding of national drinking water research and development programs.

SEC. 1732. ENFORCEMENT.

Notwithstanding any other provision of law, the Administrator may impose financial penalties for the violation of a national primary drinking water regulation as defined in section 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)).

SEC. 1734. DATA USAGE.

(a) In General.—The sampling data provided under section 1421(b) may be used for the following purposes:

(1) Characterize the occurrence and occurrence of perfluoroalkyl and polyfluoroalkyl substances, including, if appropriate, coordinating to develop media-specific, validated analytical methods to detect individual and different perfluoroalkyl or polyfluoroalkyl substances; and

(2) Evaluate the potential for human exposure to perfluoroalkyl and polyfluoroalkyl substances.

(b) Use.—The sampling data provided under section 1421(b) may be used for the following purposes:

(1) To determine the occurrence and occurrence of perfluoroalkyl and polyfluoroalkyl substances, including, if appropriate, coordinating to develop media-specific, validated analytical methods to detect individual and different perfluoroalkyl or polyfluoroalkyl substances; and

(2) To evaluate the potential for human exposure to perfluoroalkyl and polyfluoroalkyl substances.

SEC. 1735. COLLABORATION.

In carrying out this subtitle, the Director shall collaborate with—

(1) appropriate Federal and State regulators;

(2) institutions of higher education;

(3) research institutions; and

(4) other expert stakeholders.
SEC. 1736. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out this subtitle—
(1) $5,000,000 for fiscal year 2020; and
(2) $10,000,000 for each of fiscal years 2021 through 2024.

Subtitle D—Safe Drinking Water Assistance

SEC. 1741. DEFINITIONS.

In this subtitle—
(1) CONTAMINANT.—The term ‘contaminant’ means any physical, chemical, biological, or radiological substance or matter in water.

(2) CONTAMINANT OF EMERGING CONCERN; EMERGING CONTAMINANT.—The terms ‘contaminant of emerging concern’ and ‘emerging contaminant’ mean—
(A) for which the Administrator has not promulgated a national primary drinking water regulation; and
(B) that may have an adverse effect on the health of individuals.

(3) FEDERAL RESEARCH STRATEGY.—The term ‘Federal research strategy’ means the coordinated cross-agency plan for addressing critical research gaps related to detecting, assessing exposure to, and identifying the adverse health effects of emerging contaminants.

(4) TECHNICAL ASSISTANCE AND SUPPORT.—The term ‘technical assistance and support’ includes—
(A) assistance with—
(i) identifying appropriate analytical methods for the detection of contaminants;
(ii) understanding the strengths and limitations of the analytical methods described in clause (i);
(iii) troubleshooting the analytical methods described in clause (i); and
(B) providing advice on laboratory certification program elements;
(C) interpreting sample analysis results;
(D) providing training with respect to—
(i) proper analytical techniques;
(ii) identifying appropriate technology for the treatment of contaminants; and
(F) analyzing samples, if
(i) the analysis cannot be otherwise obtained in a practicable manner otherwise; and
(ii) the capability and capacity to perform the analysis is available at a Federal facility.

(5) WORKING GROUP.—The term ‘Working Group’ means the Working Group established under section 1742(b)(1).

SEC. 1742. RESEARCH AND COORDINATION PLAN FOR ENHANCED RESPONSE ON EMERGING CONTAMINANTS.

(a) IN GENERAL.—The Administrator shall—
(1) review Federal efforts—
(A) to identify, monitor, and assist in the development of treatment methods for emerging contaminants; and
(B) in responding to the human health risks posed by contaminants of emerging concern; and
(2) in collaboration with owners and operators of public water systems, States, and other interested stakeholders, establish a strategic plan for improving the Federal efforts described to in paragraph (1).

(b) INTRAGENCY WORKING GROUP ON EMERGING CONTAMINANTS.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator and the Secretary of Health and Human Services shall jointly establish a Working Group to coordinate the activities of the Federal agencies involved in identifying and analyzing the public health effects of drinking water contaminants of emerging concern.

(2) MEMBERSHIP.—The Working Group shall include representatives of the following:
(A) The Environmental Protection Agency, appointed by the Administrator;
(B) The Centers for Disease Control and Prevention;
(iii) The Agency for Toxic Substances and Disease Registry;
(C) The United States Geological Survey, appointed by the Secretary of the Interior;
(D) Any other Federal agency the assistance of which the Administrator determines might be necessary to carry out this section, appointed by the head of the respective agency.

(3) EXISTING WORKING GROUP.—The Administrator may expand or modify the duties of an existing working group to perform the duties of the Working Group under this subsection.

(c) NATIONAL EMERGING CONTAMINANT RESEARCH INITIATIVE.—
(1) FEDERAL RESEARCH STRATEGY.—
(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy in response to the report of the Committee on Appropriations on Appropriations for the 115th Congress, section 602 of Public Law 114–223, the Administration shall consult with the heads of the agencies described in subparagraph (A), the head of each agency described in paragraph (1)(C), the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(B) The following agencies, appointed by the Administrator, shall contribute to the Federal research strategy, including—
(i) The National Institutes of Health.
(ii) The National Science Foundation.
(iii) The Environmental Protection Agency;
(iv) the National Institute of Standards and Technology.
(v) the United States Geological Survey; and
(vi) nonprofit organizations.

(C) FEDERAL PARTICIPATION.—The agencies referred to in subparagraph (A) include—
(i) the National Institutes of Health;
(ii) the National Institutes of Health;
(iii) the National Institutes of Standards and Technology;
(iv) the United States Geological Survey; and
(v) any other Federal agency that contrib-

(D) FEDERAL TECHNICAL ASSISTANCE AND SUPPORT FOR STATES.—
(1) STUDY.—
(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study of the proposals consistent with the Federal research strategy; and
(B) TECHNICAL ASSISTANCE AND SUPPORT TO STATES.—
(I) ADMINISTRATIVE DUTIES.—The Administrator shall make grants to applicants that submit research proposals selected by the National Emerging Contaminant Research Initiative in accordance with paragraph (2). The Administrator shall make grants to applicants that submit research proposals selected by the National Emerging Contaminant Research Initiative in accordance with paragraph (2). The Administrator shall make grants to applicants that submit research proposals selected by the National Emerging Contaminant Research Initiative in accordance with paragraph (2).

(2) STANDARDS AND CRITERIA.—The National Emerging Contaminant Research Initiative shall select research proposals to receive grants under this paragraph that meet the following criteria:
(A) The proposal has been determined by the Director, including the likelihood that the proposed research will result in significant program toward achieving the objectives identified in the Federal research strategy.

(B) ELIGIBLE ENTITIES.—Any entity or group of entities for which the Administrator may require.

(C) STATE AND LOCAL AGENCIES; LOCAL AGENCIES; AND THE UNITED STATES DEPARTMENT OF COMMERCE.

(D) NONPROFIT ORGANIZATIONS.
<table>
<thead>
<tr>
<th>Subtitle E—Miscellaneous</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEC. 1751. PFAS DATA CALL</td>
</tr>
<tr>
<td>Section 8(a) of the ‘‘Toxic Substances Control Act (15 U.S.C. 2607(a)) is amended by adding at the end the following: ‘‘(7) PFAS DATA.—Not later than January 1, 2023, the Administrator shall promulgate a rule in accordance with this subsection requiring each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance in any year since January 1, 2006, to submit to the Administrator a report that includes, for each year since January 1, 2006, the information described in paragraph (2).’’</td>
</tr>
<tr>
<td>SEC. 1752. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN PFAS</td>
</tr>
<tr>
<td>Not later than June 22, 2020, the Administrator shall take final action on the significant new use rule proposed by the Administrator under subsection (a) as the Administrator determines is based on—</td>
</tr>
<tr>
<td>(A) the potential for human exposure to perfluoroalkyl and polyfluoroalkyl substances and materials containing perfluoroalkyl and polyfluoroalkyl substances, including—</td>
</tr>
<tr>
<td>(1) aqueous film-forming foam;</td>
</tr>
<tr>
<td>(2) soil and biosolids;</td>
</tr>
<tr>
<td>(3) textiles treated with perfluoroalkyl and polyfluoroalkyl substances; and</td>
</tr>
<tr>
<td>(4) spent filters, membranes, and other waste from water treatment.</td>
</tr>
<tr>
<td>(B) CONSIDERATION OF INCLUSIONS.—The interim guidance under subsection (a) shall—</td>
</tr>
<tr>
<td>(1) take into consideration—</td>
</tr>
<tr>
<td>(A) the potential for releases of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including through volatilization, air dispersion, or leachate; and</td>
</tr>
<tr>
<td>(B) potentially vulnerable populations living near likely destruction or disposal sites; and</td>
</tr>
<tr>
<td>(ii) includes a description of—</td>
</tr>
<tr>
<td>(1) qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and</td>
</tr>
<tr>
<td>(II) the resources available in Federal laboratory facilities to test for emerging contaminants that—</td>
</tr>
<tr>
<td>(i) are—</td>
</tr>
<tr>
<td>(1) drinking water and wastewater utilities;</td>
</tr>
<tr>
<td>(2) soil and biosolids;</td>
</tr>
<tr>
<td>(3) textiles treated with perfluoroalkyl and polyfluoroalkyl substances; and</td>
</tr>
<tr>
<td>(4) spent filters, membranes, and other waste from water treatment.</td>
</tr>
<tr>
<td>(C) DATABASE OF AVAILABLE RESOURCES.—The Administrator shall establish and maintain a database of resources available through the program developed under subparagraph (A) to assist States with testing for emerging contaminants that—</td>
</tr>
<tr>
<td>(i) is—</td>
</tr>
<tr>
<td>(1) water from water treatment;</td>
</tr>
<tr>
<td>(2) soil and biosolids;</td>
</tr>
<tr>
<td>(3) textiles treated with perfluoroalkyl and polyfluoroalkyl substances; and</td>
</tr>
<tr>
<td>(4) spent filters, membranes, and other waste from water treatment.</td>
</tr>
<tr>
<td>Subtitle F—PFAS DESTRUCTION AND DISPOSAL</td>
</tr>
<tr>
<td>SEC. 1753. PFAS DESTRUCTION AND DISPOSAL</td>
</tr>
<tr>
<td>(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish interim guidance on the testing, use, and disposal of perfluoroalkyl and polyfluoroalkyl substances and materials containing perfluoroalkyl and polyfluoroalkyl substances, including—</td>
</tr>
<tr>
<td>(1) aqueous film-forming foam;</td>
</tr>
<tr>
<td>(2) soil and biosolids;</td>
</tr>
<tr>
<td>(3) textiles treated with perfluoroalkyl and polyfluoroalkyl substances; and</td>
</tr>
<tr>
<td>(4) spent filters, membranes, and other waste from water treatment.</td>
</tr>
<tr>
<td>(b) CONSIDERATION OF INCLUSIONS.—The interim guidance under subsection (a) shall—</td>
</tr>
<tr>
<td>(1) take into consideration—</td>
</tr>
<tr>
<td>(A) the potential for releases of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including through volatilization, air dispersion, or leachate; and</td>
</tr>
<tr>
<td>(B) potentially vulnerable populations living near likely destruction or disposal sites; and</td>
</tr>
<tr>
<td>(ii) includes a description of—</td>
</tr>
<tr>
<td>(1) qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and</td>
</tr>
<tr>
<td>(II) the resources available in Federal laboratory facilities to test for emerging contaminants that—</td>
</tr>
<tr>
<td>(i) is—</td>
</tr>
<tr>
<td>(1) drinking water and wastewater utilities;</td>
</tr>
<tr>
<td>(2) soil and biosolids;</td>
</tr>
<tr>
<td>(3) textiles treated with perfluoroalkyl and polyfluoroalkyl substances; and</td>
</tr>
<tr>
<td>(4) spent filters, membranes, and other waste from water treatment.</td>
</tr>
<tr>
<td>Subtitle G—PFAS RESEARCH AND DEVELOPMENT</td>
</tr>
<tr>
<td>SEC. 1754. PFAS RESEARCH AND DEVELOPMENT</td>
</tr>
<tr>
<td>(a) IN GENERAL.—The Administrator, acting through the Assistant Administrator for Research and Development, shall—</td>
</tr>
<tr>
<td>(1) further examine the effects of perfluoroalkyl and polyfluoroalkyl substances on human health and the environment; and</td>
</tr>
<tr>
<td>(2) make publicly available information relating to the findings under subparagraph (A).</td>
</tr>
<tr>
<td>(b) FUNDING.—Of the amounts available to the Administrator, the Administrator may use more than $15,000,000 in a fiscal year to carry out this subsection.</td>
</tr>
<tr>
<td>(c) REPORT.—Not less frequently than once every 2 years until 2029, the Administrator shall submit to Congress a report that describes the progress made in carrying out this subtitle.</td>
</tr>
</tbody>
</table>
| (d) EFFECT.—Nothing in this section modifies any obligation of a State, local government, or Indian Tribe with respect to treatment methods for, or testing or monitoring of, drinking water.
Subtitle C—Inspector General of the Intelligence Community

Title IV—Reports and Other Matters

Subtitle A—General Intelligence Community Matters

Subtitle B—Central Intelligence Agency Retirement and Disability System

Subtitle C—Intelligence Community Public–Private Talent Exchange

Subtitle D—Definitions.
condition of the employee’s detail under this section. The agreement—
(A) shall require that the employee of the element, upon completion of the detail, serve in the Department of Defense in the civil service if approved by the head of the element, for a period of at least equal to the length of the detail;
(B) provide that if the employee of the element fails to carry out the agreement, such employee shall be liable to the United States for payment of all non-salary and benefits expenses of the detail, unless such failure was for good and sufficient reason, as determined by the head of the element;
(C) contain language informing such employee of the prohibition on improperly sharing or using non-public information that such employee may be privy to or aware of related to element programming, budgeting, resourcing, acquisition, or procurement for the benefit or advantage of the private-sector organization; and
(D) shall contain language requiring the employee to acknowledge the obligations of the employee under section 1905 of title 18, United States Code (relating to trade secrets).
(2) AMOUNT OF LIABILITY.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.
(3) WAIVER.—The head of an element of the intelligence community may waive, in whole or in part, collection of a debt described in paragraph (1) for 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 of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.
(4) TERMINATION.—A detail under this section may, at any time and for any reason, be terminated by the head of the element of the intelligence community concerned or the private-sector organization concerned.
(e) DURATION.—
(1) IN GENERAL.—A detail under this section shall be for a period of not less than 3 months and not more than 2 years, renewable up to a total of 3 years.
(2) LONGER PERIODS.—A detail under this section may be for a period in excess of 2 years, but not more than 3 years, if the head of the element making the detail determines that such detail is necessary to meet critical mission or program requirements.
(3) OTHER DURATIONS.—A detail of an element of the intelligence community may be detailed under this section for more than a total of 3 years if the head of the element determines that the need for such detail is not recurring.
(f) STATUS OF FEDERAL EMPLOYEES DE-TAILED TO PRIVATE-SECTOR ORGANIZATIONS.—
(1) IN GENERAL.—An employee of an element of the intelligence community who is detailed to a private-sector organization under this section shall continue to receive pay and benefits from the element of the intelligence community to which such employee is detailed and shall not receive pay or benefits from the organization from which such employee is detailed and shall not receive pay or benefits from the element, except as provided in paragraph (2);
(2) is deemed to be an employee of the element for the purposes of—
(A) chapters 73 and 81 of title 5, United States Code;
(B) sections 201, 203, 205, 207, 208, 209, 606, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;
(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;
(D) chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act” and any other Federal tort liability statute);
(E) the Ethics in Government Act of 1978 (5 U.S.C. App.); and
(F) chapter 21 of title 41, United States Code.
(3) may perform work that is considered inherently governmental in nature only when requested in writing by the head of the element; and
(4) may not be used to circumvent any limitation or restriction on the size of the workforce of the element.
(5) shall be subject to the same requirements applicable to an employee performing the same functions and duties proposed for performance by the private sector employee; and
(6) in the case of an element of the intelligence community in the Department of Defense, may not be used to circumvent the provisions of section 2461 of title 18, United States Code.
(h) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge an element of the intelligence community or any other agency of the Federal Government costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee detailed to an element of the intelligence community to a private-sector organization under this section for the purposes of—
(1) the element’s continued status as a Federal employee.
(2) may, notwithstanding any other provision of law, charge an element of the intelligence community to a private-sector organization to an element of the intelligence community without a change of position from the private-sector organization that employs the individual;
(3) if an employee of a private-sector organization to an element of the intelligence community without a change of position from the private-sector organization that employs the individual;
(4) a change of position from the private-sector organization to an element of the intelligence community without a change of position from the private-sector organization that employs the individual.
(i) ADDITIONAL ADMINISTRATIVE MATTERS.—
(1) shall, to the degree practicable, ensure that such business concerns are represented with respect to details authorized by this section;
(2) may, notwithstanding any other provision of law, charge an element of the intelligence community to a private-sector organization to an element of the intelligence community to a private-sector organization to an element of the intelligence community without a change of position from the private-sector organization that employs the individual;
(3) shall take into consideration the question of how details under this section might best be used to help meet the needs of the intelligence community, including with respect to the mission of the Department of Defense, ensure that the normal duties and functions of such employees are not, as a result of and during the course of such temporary detail, performed or augmented by contractor personnel in violation of the provisions of section 2461 of title 10, United States Code.
(j) DEFINITIONS.—In this section:
(1) DETAIL.—The term “detail” means, as applicable and in the context in which such term is used—
(A) the assignment or loan of an employee of an element of the intelligence community to an element of the intelligence community or to a private-sector organization about a change of position from the intelligence community element that employs the individual;
(B) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community or to a private-sector organization about a change of position from the private-sector organization that employs the individual;
(C) the assignment or loan of an employee of an element of the intelligence community to a private-sector organization about a change of position from the private-sector organization that employs the individual;
(D) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community about a change of position from the private-sector organization that employs the individual;
(E) the assignment or loan of an employee of an element of the intelligence community to an element of the intelligence community or to a private-sector organization about a change of position from the private-sector organization that employs the individual;
(F) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community about a change of position from the private-sector organization that employs the individual;
(G) the assignment or loan of an employee of an element of the intelligence community to a private-sector organization about a change of position from the private-sector organization that employs the individual;
(H) shall—
(i) be subject to the same requirements applicable to an employee performing the same functions and duties proposed for performance by the private sector employee; and
(j) may be used to circumvent any limitation or restriction on the size of the workforce of the element.
(k) EFFECTIVENESS OF DECISION.—An agency that receives an employee under this section shall take such action as necessary to ensure the effectiveness of the intelligence community.
(l) DEFINITIONS.—In this section:
(1) DETAIL.—The term “detail” means, as applicable and in the context in which such term is used—
(A) the assignment or loan of an employee of an element of the intelligence community to an element of the intelligence community or to a private-sector organization about a change of position from the intelligence community element that employs the individual;
(B) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community or to a private-sector organization about a change of position from the private-sector organization that employs the individual;
(C) the assignment or loan of an employee of an element of the intelligence community to a private-sector organization about a change of position from the private-sector organization that employs the individual;
(D) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community about a change of position from the private-sector organization that employs the individual;
(E) the assignment or loan of an employee of an element of the intelligence community to a private-sector organization about a change of position from the private-sector organization that employs the individual;
extent that the requested leave schedule does not unduly disrupt agency operations; and

(2) to the extent that an employee's re- quested leave schedule is based on paragraph (1) is based on medical necessity re- lated to a serious health condition connected to the birth of a son or daughter, the em- ployee shall use consistent leave schedules with the treatment of employees who are using leave under subparagraph (C) or (D) of section 6382(a)(1) of title 5, United States Code, as follows:

(a) RULES RELATING TO PAID LEAVE.—Not- withstanding any other provision of law—

(1) an employee may not be required to first use all or any portion of any unpaid leave available to the employee before being allowed to use the paid parental leave de- scribed in subsection (a); and

(2) paid parental leave under subsection (a) shall be payable from any appropriation or fund available for salaries or exp- enses for positions within the employing element;

(B) may not be considered to be annual or vacation leave for purposes of section 5551 or 5552 of title 5, United States Code, or for any other purpose;

(3) if not used by the employee before the end of the 12-month period described in subsection (a) to which the leave relates, may not be carried forward into a subsequent period and may not be converted into a cash payment;

(D) may be granted only to the extent that the employee does not receive a total of more than 12 weeks of paid parental leave in any 12-month period beginning on the date of a birth or placement;

(E) may not be granted:

(i) if the employee is a life-time aggregate total of 30 administrative workweeks based on placements of a foster child for any indi- vidual employee; or

(ii) in connection with temporary foster care placements expected to last less than 1 year;

(F) may not be granted for a child being placed for foster care or adoption if such leave was previously granted to the same employee when the same child was placed with the employee for foster care in the past;

(G) is in increments of hours (or fractions thereof), with 12 administrative workweeks equal to 480 hours for employees with a regular full-time work schedule and an equivalently proportional number of hours for employees with part-time, seasonal, or uncommon tours of duty; and

(H) may not be used during off-season (nonpay status) periods for employees with seasonal work schedules.

(d) IMPLEMENTATION PLAN.—Not later than 1 year after the date of enactment of this section, the Director of National Intelligence shall provide the congressional intel- ligence committees with an implementation plan that includes—

(1) processes and procedures for im- plementing the paid parental leave policies under subsections (a) through (c);

(2) an explanation of how the implementa- tion of subsections (a) through (c) will be reconciled with policies of other elements of the Federal Government, including the im- pact on elements funded by the National In- telligence Program that are housed within agencies outside the intelligence commu- nity;

(3) the projected impact of the implemen- tation of subsections (a) through (c) on the workforce of the intelligence community, in- cluding retention, recruitment, and morale, broken down by each element of the intelligence community; and

(4) all costs or operational expenses asso- ciated with the implementation of sub- sections (a) through (c).

(e) DIRECTIVE.—Not later than 90 days after the date on which the Director of National Intelligence submits the implementation plan under subsection (d), the Director of National Intel- ligence shall issue a written directive to im- plement this section, which directive shall take effect on the date of issuance.

(f) ANNUAL REPORT.—The Director of Na- tional Intelligence to the United Na- tional intelligence committees an an- nual report that—

(1) details the number of employees of each element of the intelligence community who applied for and took paid parental leave under subsection (a) during the year covered by the report;

(2) includes updates on major implementa- tion challenges or costs associated with paid parental leave.

(g) DEFINITION OF SON OR DAUGHTER.—For purposes of this section, the term 'son or daughter' has the meaning given in the term in section 6381 of title 5, United States Code.

(h) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 204 the following:

"Sec. 305. Paid parental leave."

(i) APPLICABILITY.—Section 305 of the National Security Act of 1947 as added by sub- section (b), shall apply with respect to leave taken in connection with the birth or place- ment of a son or daughter that occurs on or after the date on which the Director of Na- tional Intelligence issues the written direc- tive under subsection (e) of such section 305.

Subtitle B—Office of the Director of Na- tional Intelligence

SEC. 311. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES.

(a) EXCLUSIVITY OF SECURITY CLEARANCE PROCEDURES.—Section 801 of the National Security Act of 1947 (50 U.S.C. 3161) is amended by adding at the end the following:

"(c) EXCLUSIVITY.—Except as provided in subsection (b) and subject to sections 801A and 801B, the procedures established pursuant to subsection (a) shall be the exclusive procedures by which decisions about eligi- bility for access to classified information are governed.";

(b) TRANSPARENCY.—Such section is fur- ther amended by adding at the end the follow- ing:

"(d) PUBLICATION.—(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this sub- section, the President shall—

(A) publish in the Federal Register the procedures established pursuant to sub- section (a); or

(B) submit to Congress a certification that the procedures currently in effect that govern access to classified information as de- scribed in subsection (a)—

(i) are published in the Federal Register; and

(ii) comply with the requirements of sub- section (a).

(2) UPDATES.—Whenever the President makes a revision to a procedure established pursuant to subsection (a), the President shall publish such revision in the Federal Register not later than 30 days before the date on which the revision becomes effec- tive."

(c) CONSISTENCY.—

(1) IN GENERAL.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended by inserting after section 801 the following:

"SEC. 801A. DECISIONS RELATING TO ACCESS TO CLASSIFIED INFORMATION.

"(a) DEFINITIONS.—In this section—

"(1) AGENCY.—The term 'agency' has the meaning given the term 'Executive agency' in section 105 of title 5, United States Code.

"(2) CLASSIFIED INFORMATION.—The term 'classified information' includes sensitive compartmented information, restricted data, restricted handling information, and other compartmented information.

"(3) ELIGIBILITY FOR CLASSIFIED INFORMATION.—The term 'eligibility for access to classified information' has the meaning given such term in the procedures established pursuant to section 801A.

(b) IN GENERAL.—Each head of an agency that makes a determination regarding eligi- bility for access to classified information shall ensure that in making the determina- tion, the head of the agency or any person acting on behalf of the agency—

(1) does not violate any right or protec- tion enshrined in the Constitution of the United States, including rights articulated in the First, Fifth, and Fourteenth Amend- ments;

(2) does not discriminate for or against an individual on the basis of race, color, reli- gion, sex, national origin, age, or handicap;

(3) is not carrying out a retaliation for political activities or beliefs; or

(4) does not violate section 3001(j)(1) of the Intelligence Reform and Terrorism Pre- vention Act of 2004 (50 U.S.C. 3301(j)(1)).

(c) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 801 the following:

"Sec. 801A. Decisions relating to access to classified information."
Agency, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress an estimate of the direct and indirect costs of running the National Intelligence University and the costs of transferring the National Intelligence University to another agency.

3. Estimate—The estimate submitted under paragraph (2) shall include all indirect costs, including with respect to human resources, security, facilities, and information technology.

SEC. 313. IMPROVING VISIBILITY INTO THE SECURITY CLEARANCE PROCESS.

(a) Definition of Security Executive Agent—The term ‘‘Security Executive Agent’’ means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as amended by section 305 of division B.

(b) Policy Required.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall issue a policy that requires the head of each Federal agency to create, not later than December 31, 2023, an electronic portal that can be used by human resources personnel and applicants for security clearances to view information about the status of an application for a security clearance and the average time required for each phase of the security clearance process.

SEC. 314. MAKING CERTAIN POLICIES AND EXECUTION PLANS RELATING TO PERSONNEL CLEARANCES AVAILABLE TO INDUSTRY PARTNERS.

(a) Definitions.—In this section:

(1) APPROPRIATE INDUSTRY PARTNER.—The term ‘‘appropriate industry partner’’ means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order 12829 (50 U.S.C. 3161 note); relating to the National Industrial Security Program administered pursuant to section 803 of the National Security Act of 1947, as amended by section 305 of division B).

(b) SHARING OF POLICIES AND PLANS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, an agency may not be selected to sit on the panel convened under this subsection until the Secretary of Defense approves a plan to share policies and plans relating to security clearances with appropriate industry partners directly affected by such policies and plans in a manner consistent with the protection of national security as well as the goals and objectives of the National Industrial Security Program administered pursuant to Executive Order 12829 (50 U.S.C. 3161 note; relating to the National Industrial Security Program).

(c) DEPARTMENT OF POLICIES AND PROCEDURES REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Director of the National Industrial Security Program shall jointly develop policies and procedures by which appropriate industry partners with proper security clearances and a need to know can have appropriate access to the policies and plans shared pursuant to subsection (b) that directly affect those industry partners.

Subtitle C—Inspector General of the Intelligence Community

SEC. 321. DEFINITIONS.

In this subtitle:

(1) Whistleblower.—The term ‘‘whistleblower’’ means a person who makes a whistleblowing complaint.

(2) Whistleblower disclosure.—The term ‘‘whistleblower disclosure’’ means a disclosure that is protected under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) or section 3001(i)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(i)).

(3) Panels—The term ‘‘panel’’ means the panel convened under this subsection to review a claim made by an individual.

(4) Inspector General.—The term ‘‘Inspector General’’ means the Inspector General of the Intelligence Community.

SEC. 322. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.

(a) Authority to Convene External Review Panels.—

(1) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

"SEC. 1105. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.

"(a) Authority to Convene External Review Panels.—

(1) IN GENERAL.—An individual with a claim described in subsection (b) who has exhausted the applicable review process for the claim pursuant to section 1104 or was subjected to a reprisal by paragraph (1) of section 3001(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(i)) may recommend that the agency head take any of the following actions to address the complaint:

"(A) that the individual has been subjected to a personnel action that is prohibited under section 1104; and

"(B) who has exhausted the applicable review process for the claim pursuant to enforcement of such section;

"(2) claims by an individual—

"(a) with respect to which an individual has been subjected to a reprisal prohibited by paragraph (1) of section 3001(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(i)); and

"(b) who received a decision on an appeal regarding that claim under paragraph (4) of such section.

"(c) External Review Panel Convened.—

"(1) Discretion to Convene.—Upon receipt of a claim under subsection (a) regarding a claim, the Inspector General of the Intelligence Community may, at the discretion of the Inspector General, convene an external review panel under this subsection to review the claim.

"(2) Membership.—

"(A) Composition.—An external review panel convened under this subsection shall be composed of three members as follows:

"(i) The Inspector General of the Intelligence Community.

"(ii) Except as provided in subparagraph (B), two members selected by the Inspector General as the Inspector General considers appropriate on a case-by-case basis from among inspectors general of the following:

"(I) The National Reconnaissance Office.

"(II) The National Geospatial-Intelligence Agency.

"(IV) The Department of Justice.

"(V) The Department of State.

"(VI) The Department of the Treasury.

"(VII) The Commission on Intelligence Agency.

"(VIII) The Defense Intelligence Agency.

"(IX) The National Geospatial-Intelligence Agency.

"(X) The National Reconnaissance Office.


"(B) Failure to Inform.—The Inspector General of the Intelligence Community shall make an annual report to the congressional intelligence committees and the Director of National Intelligence on the activities under this section during the previous year.

"(2) Contents.—Subject to such limitations as the Inspector General of the Intelligence Community considers necessary to protect the privacy of an individual who has made a claim described in subsection (b), each report submitted pursuant to paragraph (1) shall include, for the period covered by the report, the following:

"(A) The determinations and recommendations made by the external review panels convened under this section.

"(B) The responses of the heads of agencies that received recommendations from the external review panels.

"(C) Table of Contents Amendment.—The table of contents in the first section of the National Security Act of 1947 is amended by adding at the end the following item:

"Sec. 1105. Inspector General external review panel.

(b) Recommendation on Addressing Whistleblower Appeals Relating to Reprisal Claims Against the Inspector General.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,
the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a recommendation on how to ensure that—

(A) the Inspector General of the Intelligence Community who has a complaint against an inspector general in the intelligence community and who alleges a reprisal, has available the assistance of the investigative unit of the inspector general of the intelligence community, in coordination with the Inspector General of the Intelligence Community, in consultation with the Intelligence Community Inspectors General Forum, shall develop recommendations, applicable to all inspectors general of the intelligence community, regarding the harmonization and coordination of directives relating to processes, procedures, and timelines for claims and appeals relating to allegations of personnel actions prohibited under section 1104 of the National Security Act of 1947 or reprimands prohibited by section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2001 (50 U.S.C. 3341(j)(1)).

(B) Such recommendations for legislative or administrative action as the Inspector General may have with respect to providing an external review panel as described in paragraph (1) and for the purposes described in such paragraph and for the purposes described in such paragraph and for the purposes described in such paragraph.

SEC. 232. HARMONIZATION OF WHISTLEBLOWER PROCESSES AND PROCEDURES.

(a) In General.—Not later than 290 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in coordination with the Intelligence Community Inspectors General Forum, shall develop recommendations, applicable to all inspectors general of elements of the intelligence community, regarding the harmonization and coordination of directives relating to processes, procedures, and timelines for claims and appeals relating to allegations of personnel actions prohibited under section 1104 of the National Security Act of 1947 or reprimands prohibited by section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2001 (50 U.S.C. 3341(j)(1)).

(b) TRANSPARENCY AND PROTECTION.—In developing recommendations under subsection (a), the Inspector General of the Intelligence Community shall make efforts to maximize transparency and protect whistleblowers.

SEC. 324. INTELLIGENCE COMMUNITY OVERSEEN BY SECURITY AGENCY WHISTLEBLOWER ACTIONS.

(a) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in consultation with the Intelligence Community Inspectors General Forum, shall conduct a feasibility study on establishing a hotline whereby all complaints of whistleblowers relating to the intelligence community are automatically referred to the Inspector General of the Intelligence Community.

(2) ELEMENTS.—The feasibility study conducted pursuant to paragraph (1) shall include the following:

(A) The anticipated number of annual whistleblower complaints received by all elements of the intelligence community.

(B) The additional resources required to implement the hotline, including personnel and technology.

(C) The cost and budgetary effects.

(D) Findings from the system established pursuant to subsection (b).

(b) OVERSIGHT SYSTEM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and 90 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall establish a hotline whereby all complaints of whistleblowers relating to the intelligence community are automatically referred to the Inspector General of the Intelligence Community.

(1) Any inspector general actions relating to such complaints.

(2) POLICIES AND PROCEDURES REQUIRED.—Before establishing the system required by subsection (b), the Inspector General of the Intelligence Community shall establish policies and procedures to protect the privacy of whistleblowers and protect against further dissemination of whistleblower information without consent of the whistleblower.

(2) CONTROL OF DISTRIBUTION.—The system established under subsection (b) shall provide whistleblowers the option of prohibiting distribution of their complaints to the Inspector General of the Intelligence Community.

SEC. 325. REPORT ON CLEARED WHISTLEBLOWER ATTORNEYS.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the Congress a report on access to cleared attorneys by whistleblowers in the intelligence community.

(b) CONTENTS.—The report submitted pursuant to subsection (a) shall include the following:

(1) The number of whistleblowers in the intelligence community who sought to retain a cleared attorney and at what stage they sought such an attorney.

(2) For the 3-year period preceding the report, the following:

(A) The number of limited security agreements.

(B) The scope and clearance levels of such limited security agreements.

(C) The number of whistleblowers represented by cleared attorneys.

(d) Recommendations for legislative or administrative action to ensure that whistleblowers in the intelligence community have access to cleared attorneys, including improvements to the limited security agreement process and such other options as the Inspector General of the Intelligence Community considers appropriate.

(2) The Inspector General of the Intelligence Community shall ensure that the report submitted under subsection (a) is based on the following:

(A) Data from a survey of whistleblowers whose claims are reported to the Inspector General of the Intelligence Community by means of the oversight system established pursuant to section 324;

(B) Information obtained from the inspectors general of the intelligence community;

(C) Information from such other sources as may be identified by the Inspector General of the Intelligence Community.

SEC. 401. STUDY ON FOREIGN EMPLOYMENT OF FORMER PERSONNEL OF INTELLIGENCE COMMUNITY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate, conduct a comprehensive economic assessment of investment in key United States technologies by companies or organizations linked to China, including the implications of these investments for the national security of the United States.

(b) FORM OF ASSESSMENT.—The assessment submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 402. COMPREHENSIVE ECONOMIC ASSESSMENT OF INVESTMENT IN KEY UNITED STATES TECHNOLOGIES BY COMPANIES OR ORGANIZATIONS LINKED TO CHINA.

(a) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate, conduct a comprehensive economic assessment of investment in key United States technologies by companies or organizations linked to China, including the implications of these investments for the national security of the United States.

(b) FORM OF ASSESSMENT.—The assessment submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE IV—REPORTS AND OTHER MATTERS

SEC. 401. STUDY ON FOREIGN EMPLOYMENT OF FORMER PERSONNEL OF INTELLIGENCE COMMUNITY.

(a) STUDY.—The Director of National Intelligence, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate, shall conduct a comprehensive economic assessment of investment in key United States technologies by companies or organizations linked to China, including the implications of these investments for the national security of the United States.

(b) FORM OF ASSESSMENT.—The assessment submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 402. COMPREHENSIVE ECONOMIC ASSESSMENT OF INVESTMENT IN KEY UNITED STATES TECHNOLOGIES BY COMPANIES OR ORGANIZATIONS LINKED TO CHINA.

(a) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate, conduct a comprehensive economic assessment of investment in key United States technologies by companies or organizations linked to China, including the implications of these investments for the national security of the United States.

(b) FORM OF ASSESSMENT.—The assessment submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.
(A) Cooperate with the strategy of the intelligence community entitled "Augmenting Intelligence Using Machines";

(B) Complement each other and avoid unnecessary duplication;

(C) Are coordinated with the efforts of the Director of National Intelligence on artificial intelligence, including efforts at the Joint Artificial Intelligence Center (JAIC) and Project Maven; and

(D) Leverage advances in artificial intelligence and machine learning in the private sector.

(2) Not later than 30 days after the date of enactment of this Act, and not less frequently than once each year thereafter until the date that is 2 years after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly provide to the congressional intelligence committees and congressional defense committees (as defined in section 101 of title 10, United States Code) briefings with updates on activities relating to, and the progress of, their respective artificial intelligence initiatives, particularly the Augmenting Intelligence Using Machines initiative and the Joint Artificial Intelligence Center.

SEC. 404. ENCOURAGING COOPERATIVE ACTIONS TO DETECT AND COUNTER FOREIGN INFORMATION WARFARE OPERATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Russian Federation, through military intelligence units, also known as the "GRU", and Kremlin-linked troll organizations often referred to as the "Internet Research Agency", deploy information warfare operations against the United States, its allies and partners, with the goal of advancing the strategic interests of the Russian Federation.

(2) One line of effort deployed as part of these information warfare operations is the weaponization of social media platforms with the goals of intensifying societal tensions, threatening governmental substitutes within the United States, its allies and partners in the West, and generally sowing division, fear, and confusion.

(3) These information warfare operations are a threat to the national security of the United States and that of the allies and partners of the United States. As Director of National Intelligence, Mr. Coats stated, "These actions are persistent, they are pervasive and they are meant to undermine America's democracy."

(4) The information warfare operations continue to evolve and increase in sophistication.

(5) Other foreign adversaries and hostile non-state actors will increasingly adopt similar tactics of deploying information warfare operations against the West.

(6) Technological advances, including artificial intelligence, will only make it more difficult in the future to detect fraudulent accounts, deceptive material posted on social media, and malign behavior on social media.

(7) Because these information warfare operations are deployed within and across private social media platforms, the companies that own these platforms have a responsibility to detect and remove foreign adversarial networks operating clandestinely on their platforms.

(8) Social media companies are inherently technologically sophisticated and adept at rapidly analyzing large amounts of data and developing software-based solutions to diverse and ever-changing challenges on their platforms, which makes them well-equipped to address the threat occurring on their platforms.

(9) Independent analyses confirmed Kremlin-linked threat networks, based on data provided by several social media companies to the Select Committee on Intelligence of the Senate, thereby demonstrating that it is possible to discern both broad patterns of cross-platform information warfare operations and specific fraudulent behavior on social media platforms.

(10) General Paul Nakasone, Director of the National Security Agency, emphasized the importance of these independent analyses to the planning and conduct of military cyber operations to frustrate Kremlin-linked information warfare operations against the United States.

(11) Institutionalizing ongoing robust, independent, and vigorous analysis of data related to foreign threat networks within and across social media platforms will help counter ongoing information warfare operations against the United States, its allies, and its partners.

(12) Archiving and disclosing to the public the results of these analyses by the social media companies and trusted third-party experts will help in a transparent manner will serve to demonstrate that the social media companies are detecting and removing foreign malign activities from their platforms while protecting the privacy of the people of the United States and will build public understanding of the scale and scope of these foreign threats to America’s democracy, since exposure is one of the most effective means to build resilience.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the social media companies should cooperate among themselves and with independent organizations and researchers on a sustained and regular basis to share and analyze data and indicators relevant to foreign information warfare operations within and across their platforms in order to detect and counter foreign adversarial networks operating within and across their platforms in order to detect and counter foreign adversaries on social media platforms.

(2) these analytic efforts should be organized in such a manner that the highest standards of ethics, confidentiality, and privacy protection of the people of the United States are met.

(3) these analytic efforts should be undertaken as soon as possible to facilitate countering ongoing Kremlin, Kremlin-linked, and other foreign information warfare operations and to foster an informed and secure democratic society.

(4) the social media companies, other organizations, and independent researchers to access and analyze data and indicators for understanding ongoing Kremlin, Kremlin-linked, and other foreign adversarial networks operating within and across their platforms, and these efforts could be conducted without direct Government involvement, direction, or regulation;

(5) if the social media industry fails to take sufficient action to address foreign adversarial networks operating within or across their platforms, Congress would have to consider additional safeguards for ensuring that this threat is effectively mitigated.

(c) AUTHORITY TO FACILITATE ESTABLISHMENT OF SOCIAL MEDIA DATA ANALYSIS CENTER.—

(1) AUTHORITY.—The Director of National Intelligence, in coordination with the Secretary of Defense, may facilitate, by grant or contract or under an existing authority of the Director, the establishment of a Social Media Data Analysis Center with the functions described in paragraph (2) at an independent, nonprofit organization.

(2) FUNCTIONS.—The functions described in this paragraph are the following:

(A) Acting as a convening and sponsoring body for cooperation on data analysis of foreign threat networks involving social media companies and third-party experts, nongovernmental organizations, data scientists, federally funded research and development centers, and academic researchers;

(B) Facilitating analysis within and across the individual social media platforms for the purpose of detecting and countering clandestine foreign influence operations and related unlawful activities that fund or subdivide such operations;

(C) Developing processes to share information from government entities on foreign influence operations with the individual social media companies to inform threat analysis, and working with the Office of the Director of National Intelligence as appropriate.

(D) Determining and making public criteria for identifying which companies, organizations, or researchers to invite on the basis of their inclin

(E) Determining jointly with the social media companies what data and metadata related to indicators of foreign adversary threat networks from their platforms and business operations will be made available for access and analysis.

(F) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms and of the proprietary information of the social media companies.

(G) Determining how to address contractual, and procedural controls to prevent misuse of data, including any necessary auditing procedures, compliance checks, and review mechanisms.

(H) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms.

(I) Developing a searchable, public archive aggregating information related to foreign influence and disinformation operations to build a collective understanding of the threats to the United States presidential and congressional elections in 2020 and beyond.

(J) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms.

(K) Developing a searchable, public archive aggregating information related to foreign influence and disinformation operations to build a collective understanding of the threats to the United States presidential and congressional elections in 2020 and beyond.

(L) Developing a searchable, public archive aggregating information related to foreign influence and disinformation operations to build a collective understanding of the threats to the United States presidential and congressional elections in 2020 and beyond.
(C) such statutory penalties as the Director considers necessary to ensure against misuse of data by researchers; and

(D) such changes to the Center’s mission to fully leverage broader unlawful activities that intersect with, complement, or support information warfare tactics; and

(2) not less frequently than once each year, submit to the Senate; the House of Representatives; and the appropriate congressional committees a report on

(A) that assesses

(1) degree of cooperation and commitment from the social media companies to the mission of the Center; and

(ii) effectiveness of the Center in detecting and removing clandestine foreign information warfare operations from social media platforms; and

(3) any such recommendations for legislative or administrative action as the Center considers appropriate to carry out the functions of the Center.

CONGRESSIONAL NOTIFICATIONS REQUIRED.—The Director of the Center shall—

(1) once each quarter, make available to the public a report on key trends in foreign influence and disinformation operations, including any threats to campaigns and elections, to inform the public of the United States or companies of allies of the United States; and

(2) as the Director considers necessary, provide more timely assessments relating to ongoing disinformation campaigns.

(1) Amours appropriated or otherwise made available to the National Intelligence Program (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 403)). In fiscal year 2020 and 2021, the Director of National Intelligence may use up to $30,000,000 to carry out this section.

(2) A list of foreign entities, including governments, corporations, nonprofit organizations and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a counterintelligence, espionage (including economic espionage), or other national security threats with respect to sensitive research subjects.

(3) A list of any known or suspected attempts by foreign entities to exert pressure on covered institutions of higher education, including attempts to limit freedom of speech, propagate misinformation or disinformation, or to influence professors, researchers, or students.

(4) Recommendations for collaboration between covered institutions of higher education and the intelligence community to mitigate threats and risks associated with foreign influence in academia, including any necessary legislative or administrative action.

(5) Contractors or the immediate families or staff of contractors or the immediate families or staff of employees of such targeted individuals were lost, stolen, or otherwise subject to unauthorized access by criminals or a foreign government.

Consultation.—In preparing a report to be submitted as subsection (a)(1), the Comptroller General shall consult with the Director of National Intelligence, the Secretary of Homeland Security, and the Secretary of Defense.

REPORT REQUIRED.—Not later than 45 days after the conclusion of a United States election, the Director of National Intelligence, in consultation with the heads of such other executive departments and agencies as the Director considers appropriate, shall—

(1) conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in that election;

(2) transmit the findings of the Director with respect to the assessment conducted under paragraph (1), along with such supporting information as the Director considers appropriate, to the following:

(A) The President.

(B) The Secretary of State.

(C) The Secretary of the Treasury.

(D) The Secretary of Defense.

(E) The Attorney General.

(F) The Secretary of Homeland Security.

(G) Congress.

(b) ELEMENTS.—An assessment conducted under subsection (a)(1), with respect to an act described in such subsection, shall identify, to the maximum extent ascertainable, the following:

(1) The nature of any foreign interference and any methods employed to execute the action.

(2) The persons involved.

(3) The foreign government or governments that authorized, directed, sponsored, or supported the act.

404. OVERSIGHT OF FOREIGN INFLUENCE IN ACADEMY

(a) Definitions.—In this section:


(2) Sensitive Research Subject.—The term ‘‘sensitive research subject’’ means a subject of research that is carried out at a covered institution of higher education that receives funds that were appropriated for—

(A) the Higher Education Act of 1965 (20 U.S.C. 1002); or

(B) any federal agency the Director of National Intelligence deems appropriate.

(b) Report Required.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence, in consultation with such elements of the intelligence community as the Director considers appropriate and consistent with the privacy protections afforded to United States citizens, shall submit to congressional intelligence committees a report on risks to sensitive research subjects posed by foreign influence or efforts to provide Congress and covered institutions of higher education with more complete information on these risks and to help ensure academic freedom.

(c) Contents.—The report required by subsection (b) shall include the following:

(1) A list of sensitive research subjects that could affect national security;

(2) A list of foreign entities, including governments, corporations, nonprofit organizations and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a counterintelligence, espionage (including economic espionage), or other national security threats with respect to sensitive research subjects.

(3) A list of any known or suspected attempts by foreign entities to exert pressure on covered institutions of higher education, including attempts to limit freedom of speech, propagate misinformation or disinformation, or to influence professors, researchers, or students.

(4) Recommendations for collaboration between covered institutions of higher education and the intelligence community to mitigate threats and risks associated with foreign influence in academia, including any necessary legislative or administrative action.

(d) Congressional Notifications Required.—Not later than 30 days after the date on which the Director identifies a change to either list described in paragraph (1) or (2) of subsection (c), the Director shall notify the congressional intelligence committees of the change.

SEC. 405. METHODS OF PRIMARY COLLECTION

(a) Methods of Primary Collection.—In this section, the term ‘‘methods of primary collection’’ means—

(1) The nature of any foreign interference and any methods employed to execute the action.

(2) The persons involved.

(3) The foreign government or governments that authorized, directed, sponsored, or supported the act.

(b) Periodic Assessment.—In a case in which the Director conducts an assessment under subsection (a)(1) with respect to an election, the Director shall, as soon as practicable after the date of the conclusion of such election and not later than 60 days after the date of such conclusion, make available to the public, to the greatest extent possible consistent with the protection of sources and methods, the findings transmitted under subsection (a)(2).
DIVISION—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018 AND 2019

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This division may be cited as the “Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019”.

(b) Contents.—The table of contents for this division is as follows:

DIVISION I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classification of schedule of authorizations.

Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.


TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.

Sec. 302. Increase in employee compensation.

Sec. 303. Modification of special pay authority for business and management.

Sec. 304. Modification of appointment of Chief Information Officer of the Intelligence Community.

Sec. 305. Director of National Intelligence review of placement of personnel within the intelligence community on the Executive Schedule.


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

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

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

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

Sec. 311. Joint Intelligence Community Council.

Sec. 312. Intelligence community information technology environment.

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

Sec. 314. Policy on minimum insider threat standards.

Sec. 315. Submission of intelligence community policies.

Sec. 316. Expansion of intelligence community recruitment efforts.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Authority for personnel of the Office of the Director of National Intelligence.

Sec. 402. Designation of the program manager for information sharing environment.

Sec. 403. Technical modification to the executive schedule.

Sec. 404. Chief Financial Officer of the Intelligence Community.

Sec. 405. Chief Information Officer of the Intelligence Community.

Subtitle B—Central Intelligence Agency

Sec. 411. Central Intelligence Agency submits personnel to the Department of Justice.

Sec. 412. Expansion of security protective service jurisdiction of the Central Intelligence Agency.

Sec. 413. Repeal of foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.

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

Sec. 421. Consolidation of Department of Energy programs.

Sec. 422. Report of Department of Energy Counterintelligence Executive Committee and budget reporting requirements.

Subtitle D—Other Elements


Sec. 432. Notice not required for private entities.

Sec. 433. Framework for roles, missions, and functions of Defense Intelligence Agency.

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

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

TITLE V—ELECTION MATTERS


Sec. 502. Review of intelligence community’s posture to collect against and analyze Russian efforts to influence the Presidential election.

Sec. 503. Assessment of foreign intelligence threats to Federal elections.

Sec. 504. Strategy for countering Russian cyber threats to United States elections.

Sec. 505. Assessment of significant Russian influence campaigns directed at Federal election officials.

Sec. 506. Foreign counterintelligence and cybersecurity threats to Federal election campaigns.

Sec. 507. Information sharing with State election officials.

Sec. 508. Notification of significant foreign cyber intrusions and protective measures directed at elections for Federal offices.

Sec. 509. Designation of counterintelligence official to lead election security matters.

TITLE VI—SECURITY CLEARANCES

Sec. 601. Definitions.

Sec. 602. Reports and plans relating to security clearances and background investigations.

Sec. 603. Improving the process for security clearances.

Sec. 604. Goals for promptness of determinations regarding security clearances.

Sec. 605. Security Executive Agent.


Sec. 607. Report on clearance in person countermeasures.

Sec. 608. Budget request documentation on funding for background investigations.

Sec. 609. Reports on reciprocity for security clearances inside of departments and agencies.

Sec. 610. Intelligence community reports on security clearances.

Sec. 611. Periodic report on positions in the intelligence community that can be conducted without access to classified information, networks, or facilities.

Sec. 612. Information sharing program for positions of trust and security clearances.

Sec. 613. Report on protections for confidentiality of whistleblower-related communications.

TITLE VII—REPORTS AND OTHER MATTERS

Subtitle A—Matters Relating to Russia and Other Foreign Powers

Sec. 701. Limitation relating to establishment of foreign intelligence collection and analysis.

Sec. 702. Report on Russian cyber threats.

Sec. 703. Assessment of threat finance relating to Russia.
Sec. 704. Notification of an active measures campaign.


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

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

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

Sec. 709. Expansion of scope of committee to counter active measures and report on establishment of Foreign Intelligence Whistleblower Center.

Subtitle B—Reports

Sec. 711. Technical correction to Inspector General study.

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

Sec. 713. Report on cyber exchange programs.

Sec. 714. Review of intelligence community and national security implications.

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


Sec. 717. Biennial report on foreign investment risks.

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

Sec. 719. Semiannual reports on intelligence and national security implications.

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

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

Sec. 722. Inspectors General reports on classification.

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

Sec. 724. Annual report on memoranda of understanding between elements of the intelligence community and other entities of the United States Government regarding significant operational activities or policy.

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

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

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

Sec. 728. Repeal of certain reporting requirements.

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

Sec. 730. Briefing on Federal Bureau of Investigation offering permanent residence to sources and cooperating witnesses.

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

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

Sec. 733. Report on possible exploitation of electronic currencies by terrorist actors.

Sec. 734. Public Interest Declassification Board.

Sec. 735. Sequestration adjustment for the year 2019.

Sec. 736. Securing energy infrastructure.

Sec. 737. Bug bounty programs.

Sec. 738. Modification of requirements relating to the National Intelligence University.

Sec. 739. Technical and clerical amendments to the National Security Act of 1947.

Sec. 740. Technical amendments related to the Department of Energy.

Sec. 741. Sense of Congress on consideration of espionage activities when considering whether or not to provide visas to foreign individuals to be accredited to a United Nations mission in the United States.

Sec. 742. Sense of Congress on WikiLeaks.

SEC. 3. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 403).

(2) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2019.—Funds are hereby authorized to be appropriated for fiscal year 2019 for the conduct of intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.


(6) The Department of the Army, the Department of the Air Force, the Department of the Navy, and the Department of the Marine Corps.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Justice.

(11) The Department of Energy.


(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.


(b) FISCAL YEAR 2018.—Funds that were appropriated for the Intelligence Community Management Account for fiscal year 2018 for the conduct of intelligence and intelligence-related activities of the elements of the United States Government:

(a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(b) The President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsections (a) and (b) of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 1621(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence and intelligence-related activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) EXEMPTION.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of portions of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 1621(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2019 the sum of $524,000,000.

(b) CLASSIFIED SCHEDULE OF APPROPRIATIONS.—In addition to amounts authorized for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2019 as additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2019.

SEC. 202. COMPUTATION OF ANNUITIES FOR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) COMPUTATION OF ANNUITIES.—

(1) IN GENERAL.—Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 1803) is amended—

(A) in subsection (a)(3), by striking the period at the end and inserting a comma, as determined by using the annual rate of basic pay that would be payable for full-time service in that position; and

(B) by redesignating subsections (b)(1), (c)(1), (d)(1), (e), (f), (g)(1), (h)(1) as (b)(1), (c)(1), (d)(1), (e), (f), (g)(2), respectively; and

(C) by striking "year" each place such term appears and inserting "two years";

(E) by redesigning subsections (h), (i), (j), (k), (l) as subsections (h), (i), (j), (k), and (l), respectively; and

(F) by inserting after subsection (g) the following:

"(h) CONDITIONAL ELECTION OF INSURABLE INTEREST SURVIVOR ANNUITY BY PARTICIPANTS MARRIED AT THE TIME OF RETIREMENT.—

"(1) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under subsection (b) and section 222, at the time of retirement a married participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subsection (f)(1)(B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant's death, except that any such election to provide an insurable interest to the participant's spouse shall only be effective if the participant's spouse waives the
spousal right to a survivor annuity under this Act. The amount of the annuity shall be equal to 55 percent of the participant’s reduced annuity.

“(2) COMMEMORATION IN PARTICIPANT’S ANNUTY.—The annuity payable to the participant making such election shall be reduced by 10 percent of the participant’s basic annuity, and subject to subsection (b) or (c), as applicable.

“(3) REDUCTION IN PARTICIPANT’S ANNUTY.—The annuity payable to the designated individual under this subparagraph may not exceed 40 percent.

“(4) RECOMPUTATION OF PARTICIPANT’S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity that is reduced under this subsection shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.”.

(2) CONFORMING AMENDMENTS.—

(A) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—The Central Intelligence Agency Retirement Act (50 U.S.C. 2020 et seq.) is amended—

(i) in section 222(b)(1) (50 U.S.C. 2022(b)(1)), by striking “221(b),” and inserting “221(i),”;

(ii) in section 222(b)(2) (50 U.S.C. 2022(b)(2)), by striking “221(k)” and inserting “221(m),”.

(B) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Subsection (a) of section 14 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3514(a)) is amended by striking “221(k)” and inserting “221(m),”.

(C) ANNUITIES FOR FORMER SPEAKERS.—Subparagraph (B) of section 222(b)(3) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2022(b)(3)(A)) is amended by striking “two years” and inserting “one year”.

(D) PRIOR SERVICE CREDIT.—Subparagraph (A) of section 222(b)(3) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2022(b)(3)(A)) is amended—

(i) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(ii) by inserting after subsection (a) the following:

“(b) PART-TIME REEMPLOYED ANNUITANTS.—The Director shall have the authority to reemploy an annuitant on a part-time basis in accordance with section 8344(i) of title 5, United States Code.”.

(e) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a)(1)(A) and (B) shall take effect as if enacted on October 28, 2009, and shall apply to computations or participants, respectively, as of such date.

SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.
(b) REQUIREMENT TO ESTABLISH.—The Director of National Intelligence shall establish a Supply Chain and Counterintelligence Risk Management Task Force to standardize information sharing between the intelligence community and the acquisition community of the United States Government with respect to the supply chain and counterintelligence risks.

(c) MEMBERS.—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall be composed of—

(1) a representative of the Defense Security Service of the Department of Defense;
(2) a representative of the General Services Administration;
(3) a representative of the Office of Federal Procurement Policy of the Office of Management and Budget;
(4) a representative of the Department of Homeland Security;
(5) a representative of the Federal Bureau of Investigation;
(6) the Director of the National Counterintelligence and Security Center; and
(7) any other members the Director of National Intelligence determines appropriate.

(d) SECURITY CLEARANCES.—Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) ANNUAL REPORT.—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall submit to the appropriate congression­al committees an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

SEC. 307. CONSIDERATION OF ADVERSARIAL TELECOMMUNICATIONS AND CYBER SECURITY INFRASTRUCTURE WHEN CONSIDERING INTELLIGENCE WITH FOREIGN GOVERNMENTS AND ENTITIES.

Whenever the head of an element of the intelligence community enters into an intelligence sharing agreement with a foreign government or any other foreign entity, the head of the element shall consider the pervasive vulnerabilities of telecommunications and cybersecurity infrastructure, equipment, and services provided by adversaries of the United States, particularly China and Russia, or entities in the military or other region of the foreign government or other foreign entity entering into the agreement.

SEC. 308. CYBER PROTECTION SUPPORT FOR THE PERSONNEL OF THE INTELLIGENCE COMMUNITY IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) DEFINITIONS.—In this section:

(1) PERSONAL ACCOUNTS.—The term "personal accounts" means accounts for online and mobile computing, social media, health care, and financial services, used by personnel of the intelligence community outside of the scope of their employment with elements of the intelligence community.

(2) PERSONAL TECHNOLOGY DEVICES.—The term "personal technology devices" means technology devices used by personnel of the intelligence community outside of the scope of their employment with elements of the intelligence community, including networks to which such devices connect.

(b) AUTHORITY TO PROVIDE CYBER PROTECTION SUPPORT FOR PERSONNEL OF THE INTELLIGENCE COMMUNITY.—Subject to a determination by the Director of National Intelligence, the Director may provide cyber protection support for the personal technology devices and personal accounts of the personnel described in paragraph (2).

(2) ARMS PERSONNEL.—The personnel described in this paragraph are personnel of the intelligence community:—

(A) who the Director determines to be highly vulnerable to cyber attacks and hostile information collection activities because of the positions occupied by such personnel in the intelligence community; and

(B) whose personal technology devices or personal accounts are highly vulnerable to cyber attacks and hostile information collection activities.

(c) NATURE OF CYBER PROTECTION SUPPORT.—Subject to the availability of resources, the cyber protection support provided to personnel under subsection (b) may include training, advice, assistance, and other services relating to cyber attacks and hostile information collection activities.

(d) LIMITATION ON SUPPORT.—Nothing in this section shall be construed—

(1) to encourage personnel of the intelligence community to use personal technology devices for official business; or

(2) to provide cyber protection for personnel using personal devices, networks, and personal accounts in an official capacity.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a report on the provision of cyber protection support under subsection (b). The report shall include—

(1) a description of the methodology used to make the determination under subsection (b)(2); and

(2) guidance for the use of cyber protection support and training requests for personnel receiving cyber protection support under subsection (b).

SEC. 309. MODIFICATION OF AUTHORITY RELATING TO MANAGEMENT OF SUPPLYCHAIN RISK.

(a) MODIFICATION OF EFFECTIVE DATE.—

Subsection (f) of section 309 of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112–47; 50 U.S.C. 3329 note) is amended by striking "the date that is 180 days after".

(b) REPEAL OF SUNSET.—Such section is amended by striking subsection (g).

(c) REPORTS.—Such section, as amended by subsection (b), is amended by inserting after subsection (a) and (g) the following:

(2) by inserting after subsection (e) the following:

"(f) ANNUAL REPORT.—The report submitted under paragraph (1) shall include the following:

(I) A description of the methodology used to make the determination under subsection (b); and

(II) A description of the effect and accomplishment of cyber protection support provided to personnel under subsection (b)."

SEC. 310. LIMITATIONS ON DETERMINATIONS RELATING TO certain security classifications.

(a) PROHIBITION.—An officer of an element of the intelligence community who has been nominated by the President for a position that requires the advice and consent of the Senate may not make a classification decision with respect to information related to such officer's nomination.

(b) CLASSIFICATION DETERMINATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), in a case in which an officer described in subsection (a) has been nominated as described in such subsection and classification authority rests with the officer or another officer who reports directly to such officer, a classification decision with respect to information related to the officer shall be made by the Director of National Intelligence.

(2) NOMINATIONS OF DIRECTOR OF NATIONAL INTELLIGENCE.—In a case described in paragraph (1) in which the officer nominated is the Director of National Intelligence, the classification decision shall be made by the Principal Deputy Director of National Intelligence.

(c) REPORTS.—Whenever the Director or the Principal Deputy Director makes a decision described in paragraph (2), the Director or the Principal Deputy Director, as the case may be, shall submit to the congressional intelligence committees a report detailing the reasons for the decision.

SEC. 311. INTELLIGENCE COMMUNITY COUNCIL.

(a) MEETINGS.—Section 101A(d) of the National Security Act of 1947 (50 U.S.C. 3022(d)) is amended—

(1) by striking "regular"; and

(2) by inserting "as the Director considers appropriate" after "Council relative to other entities, including the Director of National Intelligence, in coordination with the Executive Office of the President and members of the Joint Intelligence Community Council, shall submit to the congressional intelligence committees a report on the function and role of the Joint Intelligence Community Council.

(b) REPORT ON FUNCTION AND UTILITY OF THE JOINT INTELLIGENCE COMMUNITY COUNCIL.—

(1) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Executive Office of the President and members of the Joint Intelligence Community Council, shall submit to the congressional intelligence committees a report on the function and role of the Joint Intelligence Community Council.

(c) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The number of physical or virtual meetings held by the Council per year since the Council’s inception.

(B) A description of the effect and accomplishments of the Council.

(C) An explanation of the unique role of the Council relative to other entities, including with respect to the National Security Council and the Executive Committee of the intelligence community.

(D) Recommendations for the future role and operation of the Council.

(E) Such other information as the Director considers appropriate.

3. FORM.—The report submitted under paragraph (1) shall be in a classified form, but may include a classified annex.

SEC. 312. INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.

(a) DEFINITIONS.—In this section:

(1) CORE SERVICE.—The term "core service" means a capability that is available to multiple elements of the intelligence community and required for consistent operation of the intelligence community information technology environment.

(b) INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.—The term "intelligence community information technology environment" means the computer, computer network, or computer network function that is used to support the operations of an element of the intelligence community.
environment" means all of the information technology services across the intelligence community, including the data sharing and protection environment across multiple classified levels.

(b) ROLES AND RESPONSIBILITIES.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall be responsible for:

(A) Ensuring compliance with all applicable environment rules and regulations of such environment.

(B) Developing measurable performance goals exist for such environment.

(C) Documenting standards and practices of such environment.

(D) Acting as an arbiter among elements of the intelligence community related to any disagreements arising out of the implementation of such environment.

(E) Delegating responsibilities to the elements of the intelligence community and carrying out such other responsibilities as are necessary for the effective implementation of such environment.

(2) CORE SERVICE PROVIDERS.—Providers of core services shall be responsible for:

(A) Providing core services, in coordination with the Director of National Intelligence; and

(B) Providing the Director with information requested and required to fulfill the responsibilities of the Director under paragraph (1).

(3) USE OF CORE SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each element of the intelligence community shall use core services when such services are available.

(B) Exception.—The Director of National Intelligence may provide for a written exception to the requirement under subparagraph (A) if the Director determines there is a compelling financial or mission need for such exception.

(c) MANAGEMENT. ACCOUNTABILITY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate and maintain one or more accountable executives of the intelligence community information technology environment, including each of the following:

(1) management, financial control, and integration of such environment;

(2) overseeing the performance of each core service, in coordination with the Director of National Intelligence; and

(3) to the degree feasible, ensuring testing of each core service of such environment, including testing by the intended users, to evaluate performance against measurable service requirements and to ensure the capability meets user requirements; and

(4) coordinate transition or restructuring efforts of such environment, including phase-out of legacy systems.

(d) CONTINUOUS UPDATES.—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report on each element of the intelligence community that has changed designations as of the date of the submission.

(e) QUARTERLY PRESENTATIONS.—Beginning not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees quarterly updates regarding ongoing implementation of the intelligence community information technology environment, including each of the following:

(1) A description of any policies or community governance changes to or removed during the quarter that have changed designations as of the date of the submission.

(2) A uniform effort by which each element of the intelligence community shall identify transition and restructuring costs for new, existing, and retiring services of the intelligence community information technology environment, as well as services of such environment that have changed designations as a core service.

(f) ADDITIONAL NOTIFICATIONS.—The Director of National Intelligence shall provide timely notification to the congressional intelligence committees regarding any policy changes related to or affecting the intelligence community information technology environment, new initiatives or strategies related to or impacting such environment, and changes or deficiencies in the execution of the security plan required by subsection (d), long-term roadmap required by subsection (e), and business plan required by subsection (f).

(g) ADDITIONAL NOTIFICATIONS.—The Director of National Intelligence shall provide timely notification to the congressional intelligence committees regarding any policy changes related to or affecting the intelligence community information technology environment, new initiatives or strategies related to or impacting such environment, and changes or deficiencies in the execution of the security plan required by subsection (d), long-term roadmap required by subsection (e), and business plan required by subsection (f).

(h) SUNSET.—The section shall have no effect on or after September 30, 2020.
later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with heads of elements of the Intelligence Community, shall create an Office, and submit to the congressional intelligence committees a written plan to ensure that rural and under-represented regions are more fully and consistently represented through elements’ employment recruitment efforts. Upon receipt of the plan, the congressional committees shall have 60 days to submit comments to the Director of National Intelligence before such plan shall be implemented.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. AUTHORITY FOR PROTECTION OF CUR- RENT AND FORMER EMPLOYEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506(a)(4)) is amended by striking “such personnel of the Office of the Director of National Intelligence designated as the program manager shall be” and inserting “current and former personnel of the Office of the Director of National Intelligence and their immediate families as the Director of National Intelligence may designate;”.

SEC. 402. DESIGNATION OF THE PROGRAM MANAGER INFORMATION SHARING ENVIRONMENT.

(a) INFORMATION SHARING ENVIRONMENT.—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 465(b)) is amended—

(1) in paragraph (1), by striking “Presi- dient” and inserting “Director of National Intelligence”; and

(2) in paragraph (2), by striking “President” and inserting “Director of National Intelligence”.

(b) PROGRAM MANAGER.—Section 1016(f)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 465(f)(1)) is amended by striking “such personnel of the Office of the Director of National Intelligence designated as the program manager shall serve as program manager until removed from service or replaced by the President” and inserting “designated as the program manager shall serve as program manager until removed from service or replaced by the Director at the discretion of the Director”.

SEC. 403. TECHNICAL MODIFICATION TO THE EXECUTIVE SCHEDULE.

Section 513 of title 5, United States Code, is amended by adding at the end the following:

“Director of the National Counterintelligence and Security Center.”

SEC. 404. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103(a) of the National Security Act of 1947 (50 U.S.C. 3034(a)) is amended by adding at the end the following new sentence: “The Chief Financial Officer shall report directly to the Director of National Intelligence.”

SEC. 405. CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103(a) of the National Security Act of 1947 (50 U.S.C. 3033(a)) is amended by adding at the end the following new sentence: “The Chief Information Officer shall report directly to the Director of National Intelligence.”

Subtitle B—Central Intelligence Agency

SEC. 411. CENTRAL INTELLIGENCE AGENCY SUB- SISTENCE FOR PERSONNEL ASSIGNED TO AUSTERE LOCATIONS.

(1) in paragraph (1), by striking “50 U.S.C. 403-4a,” and inserting “50 U.S.C. 403-4a, and”

(2) in paragraph (6), by striking “and” at the end;

(3) in paragraph (7), by striking the period at the end and inserting “and”;

and

(4) by adding at the end the following new paragraph (8):

“Upon the approval of the Director, provide, during any period of active duty or within 120 days of reimbursement, subsistence to any personnel assigned to an overseas location designated by the Agency as an austere location.”

SEC. 412. EXPANSION OF SECURITY PROTECTIVE SERVICE JURISDICTION OF THE CENTRAL INTELLIGENCE AGENCY.

Section (a) of section 15 of the Central Intelligence Act of 1949 (50 U.S.C. 3515(a)) is amended—

(1) in the subsection heading, by striking “POLICEMEN” and inserting “POLICE OFFICERS”;

(2) in paragraph (1)—

(A) in subparagraph (B), by striking “500 feet,” and inserting “500 yards;”;

and

(B) in subparagraph (C), by striking “500 feet.” and inserting “500 yards.”.

SEC. 413. REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT.—Section 101A of the National Security Act of 1947 (50 U.S.C. 3035) is amended—

(1) by striking “such personnel of the Department of Defense Intelligence Agency to prevent imbalanced priorities, insufficient or misaligned intelligence and Security Center, shall sub- mit to the congressional intelligence com- mittees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a plan to designate the counterintelligence component of the Defense Security Service of the Department of Defense as an element of the intelligence community by not later than January 1, 2019. Such plan shall—

(1) address the implications of such designation on the authorities, governance, per- sonnel, resources, information technology, collection, analytic products, information sharing, and business processes of the Defense Security Service and the intelligence community; and

(2) not address the personnel security func- tions of the Defense Security Service.

SEC. 432. NOTICE NOT REQUIRED FOR PRIVATE ENTITIES.

Section 3309 of title 44, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the fol- lowing:

“(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary to provide notice to any private entity before the Secretary issues a binding operational directive under subsection (b).”

SEC. 433. FRAMEWORK FOR ROLES, MISSIONS, AND FUNCTIONS OF DEFENSE INTELLIGENCE AGENCY.

(a) IN GENERAL.—The Director of National Intelligence and the Secretary of Defense shall jointly establish a framework to ensure that the Defense Intelligence Agency in its capacity as an ele- ment of the intelligence community and as a combat support agency.

The framework shall include supporting processes to provide for the consistent and regular reevaluation of the responsibilities and resources of the Defense Intelligence Agency to prevent imbal- anced priorities, insufficient or misaligned resources, and the unauthorized expansion of mission parameters.
(b) MATTERS FOR INCLUSION.—The framework required under subsection (a) shall include each of the following:

(1) A lexicon providing for consistent definitions or relevant terms used by both the intelligence community and the Department of Defense, including each of the following:

(A) Defense Intelligence enterprise.
(B) Director.
(C) Executive agent.
(D) Function.
(E) Functional manager.
(F) Mission.
(G) Mission manager.
(H) Responsibility.
(I) Role.
(J) Service of common concern.

(2) An assessment of the necessity of maintaining separate designations for the intelligence community and the Department of Defense for intelligence functional or enterprise management constructs.

(3) A repeatable process for evaluating the addition, transfer, or elimination of defense intelligence missions, roles, and functions, currently performed or to be performed in the future by the Defense Intelligence Agen-

cy, which includes the following:

(A) A justification for the addition, transfer, or elimination of a mission, role, or function.

(B) The identification of which, if any, element of the Federal Government performs the considered mission, role, or function.

(C) In the case of any new mission, role, or function:

(i) an assessment of the most appropriate agency or element to perform such mission, role, or function, taking into account the resources required, experience, entity’s primary customers, and other information necessary to support such mission, role, or function; and

(ii) a determination of the appropriate resources and an identification of the projected resources needed and the proposed source of such resources over the future years defense program, to be provided in writing to any elements of the intelligence community or the Department of Defense affected by the assumption, transfer, or elimination of any mission, role, or function.

(D) In the case of any mission, role, or function proposed to be assumed, transferred, or eliminated, an assessment, which shall be completed jointly by the heads of each element affected by such assessment, transfer, or elimination, of the risks that would be incurred by the intelligence community and the Department if such mission, role, or function is assumed, transferred, or eliminated.

(E) A description of how determinations are made regarding the funding of programs and activities under the National Intelligence Program and the Military Intelligence Program, including—

(i) which programs or activities are funded under each such Program;

(ii) which programs or activities are funded under such Program and how determinations are made with respect to funding allocations for such programs and activities; and

(iii) how determinations are made regarding the funding of programs and activities under each such Program, including—

(A) study matters relating to the mission of the National Reconnaissance Office, including with respect to promoting innovation, competition, and resilience in space, overhead reconnaissance, acquisition, and other matters;

(B) advise and report directly to the Director with respect to such matters.

(3) Members.

(A) NUMBER AND APPOINTMENT.—

(i) IN GENERAL.—The Board shall be composed of 5 members appointed by the Director from among individuals with demonstrated professional or other expertise relevant to the mission and functions of the National Reconnaissance Office.

(ii) NOTIFICATION.—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees of the Board and the congressional defense committees of the Board's appointments.

(4) SHOPPING TO GENERATE.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes a plan for collocation as described in subsection (a).

TITLE V—ELECTION MATTERS

SEC. 501. REPORT ON CYBER ATTACKS FOR FOREIGN GOVERNMENTS AGAINST UNITED STATES ELECTION INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means:

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Foreign Relations of the Senate; and

(E) the Committee on Foreign Affairs of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term ‘congressional leadership’ includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(E) The Chair of the Intelligence and Analysis in the field outside of the greater Washington, District of Columbia, area in order to support operational units from U.S. Customs and Border Protection, the Transportation Security Administration, U.S. Immigration and Customs Enforcement, and other elements of the Department of Homeland Security.

(2) PLAN FOR COLLOCATION.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report that includes a plan for collocation as described in subsection (a).


(a) REVIEW REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) complete an after action review of the posture of the intelligence community to
collect against and analyze efforts of the Government of Russia to interfere in the 2016 Presidential election in the United States; and

(2) submit to the congressional intelligence committees a report on the findings of the Director with respect to such review.

(b) ELEMENTS.—The review required by subsection (a) shall include, with respect to the posture and efforts described in paragraph (1) of such subsection, the following:

(1) An assessment of whether the resources of the intelligence community were properly aligned to detect and respond to the efforts described in subsection (a)(1).

(2) An assessment of the information sharing that occurred within elements of the intelligence community.

(3) An assessment of the information sharing that occurred between elements of the intelligence community.

(4) An assessment of applicable authorities necessary to collect on any such efforts and any deficiencies in those authorities.

(5) A review of the use of open source material to inform analysis and warning of such efforts.

(6) A review of the use of alternative and predictive analysis.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted to the congressional intelligence committees in a classified form.

SEC. 503. ASSESSMENT OF FOREIGN INTELLIGENCE THREATS TO FEDERAL ELECTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means:

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Homeland Security of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term "congressional leadership" includes the following:

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives;

(D) the minority leader of the House of Representatives;

(E) the Secretary of Homeland Security;

(F) the Director of National Intelligence and the other heads of the intelligence and the Department of Homeland Security; and

(G) the heads of the other relevant elements of the intelligence community.

(b) ELEMENTS.—The term "security vulnerability" has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (5 U.S.C. 301).

(b) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing an analytical assessment of the most significant Russian influence campaigns, if any, conducted during the 3-year period preceding the date of the enactment of this Act, as well as the most significant current or planned such Russian influence campaigns, if any. Such assessment shall include:

(1) a description of such significant Russian influence campaigns, including, at a minimum, the specific means by which such campaigns were conducted, such being consistent with the appropriate and the specific goal of each such campaign;

(2) a summary of any defenses against or responses to such Russian influence campaigns by the foreign state holding the elections or referenda;

(3) a summary of any relevant activities by elements of the intelligence community undertaken for the purpose of assisting the government of such foreign state in defending against or responding to such Russian influence campaigns; and

(4) an assessment of the effectiveness of such defenses and responses described in paragraphs (2) and (3).

(c) FORM.—The report required by subsection (b) may be submitted in classified form, but if so submitted, shall contain an unclassified summary.

SEC. 506. FOREIGN COUNTERINTELLIGENCE AND CYBERSECURITY THREATS TO FEDERAL ELECTION CAMPAIGNS.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—As provided in paragraph (2), each Federal elector of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall make publicly available on an Internet website an advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices. Each such report shall include, consistent with the protection of sources and methods, each of the following:

(A) A description of foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices.

(B) A summary of best practices that election campaigns for Federal offices can employ in seeking to counter such threats.

(C) An identification of any publicly available resources, including United States Government resources, for countering such threats.

(2) SCHEDULE FOR SUBMITTAL.—A report under this subsection shall be made available as follows:

(A) In the case of a report regarding an election held for the office of Senator or Member of the House of Representatives during the calendar year ending on December 31, 2018, the Director of National Intelligence shall—

(1) update the assessment of foreign intelligence threats to such election; and

(2) submit the updated assessment to—

(A) congressional leadership; and

(B) the appropriate congressional committees.

(b) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall jointly brief the appropriate congressional committees on the strategy developed under subsection (b).
HEIGHTENED THREATS.—If the Director of the election official assumes such position.

(b) TREATMENT OF CAMPAIGNS SUBJECT TO HIGHLIGHTED THREATS.—If the Director of Federal Election Campaign and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that an election campaign for Federal office is subject to a heightened foreign intelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available classified information related to threats to election systems and to the integrity of the election process with chief election officials and such designees who have received a security clearance under subsection (a).

(2) COORDINATION.—The Under Secretary of Homeland Security for Intelligence and Analysis shall coordinate with the Director of National Intelligence and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section 186a(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))) to facilitate the sharing of information to the affected Secretaries of State or other federal agencies.

SEC. 508. NOTIFICATION OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS DURING ELECTIONS FOR FEDERAL OFFICES.

(a) DEFINITIONS.—In this section:

(1) ACTIVE MEASURES CAMPAIGN.—The term ‘‘active measures campaign’’ means a foreign semi-covert or covert intelligence operation.

(2) CANDIDATE, ELECTION, AND POLITICAL PARTY.—The terms ‘‘election,’’ ‘‘candidate,’’ and ‘‘political party’’ have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(3) CONGRESSIONAL LEADERSHIP.—The term ‘‘congressional leadership’’ includes the following:

(A) the majority leader of the Senate.

(B) the minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The majority leader of the House of Representatives.

(E) The cyber intrusion.—The term ‘‘cyber intrusion’’ means an occurrence that actually or imminently endangers, without lawful authority, electronic election infrastructure, or the integrity, confidentiality, or availability of information within such infrastructure.

(5) ELECTRONIC ELECTION INFRASTRUCTURE.—The term ‘‘electronic election infrastructure’’ means any information system of any of the following that is related to an election for Federal office:

(A) The Federal Government.

(B) A State or United States.

(C) A political party.

(D) The election campaign of a candidate.


(7) HIGH CONFIDENCE.—The term ‘‘high confidence’’ with respect to a determination, means that a determination is based on high-quality information from multiple sources.

(8) MODO RATE CONFIDENCE.—The term ‘‘moderate confidence,’’ with respect to a determination, means that a determination is of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.

(9) OTHER APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘other appropriate congressional committees’’ means:

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence.

(B) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations of the House of Representatives, and the House Intelligence Committee.

(b) DETERMINATIONS OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS.—The Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly provide a briefing to the congressional intelligence committees and, consistent with the protection of sources and methods, the other appropriate congressional committees. The briefing shall be classified and address, at a minimum, the following:

(a) A description of the significant foreign cyber intrusion or active measures campaign, as the case may be, covered by the determination.

(b) An identification of the foreign state or foreign nonstate person, group, or other entity, to which such intrusion or campaign has been attributed.

(c) The probability and feasibility of the public release of information about the cyber intrusion or active measures campaign.

(d) Any other information such Directors and the Secretary jointly determine appropriate.

(2) ELECTRONIC ELECTION INFRASTRUCTURE BRIEFS.—With respect to a significant foreign cyber intrusion covered by a determination under subsection (b), the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall provide the owner or operator of any electronic election infrastructure directly affected by such intrusion, a briefing on such intrusion, including steps that may be taken to mitigate such intrusion. Such briefing may be classified and made available only to individuals with appropriate security clearances.

(3) PROTECTION OF SOURCES AND METHODS.—This subsection shall be carried out in a manner that is consistent with the protection of sources and methods.
a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order 12289 (50 U.S.C. 3161 note; relating to National Industrial Security Program) that is participating in the National Industrial Security Program established by such Executive Order.

(3) CONTINUOUS VETTING.—The term ‘‘continuous vetting’’ means the continuous and comprehensive background investigation term in Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information).

(4) COUNCIL.—The term ‘‘Council’’ means the Security, Credentialing, and Performance Accountability Council established pursuant to such Executive Order, or any successor entity.

(5) SECURITY EXECUTIVE AGENT.—The term ‘‘Security Executive Agent’’ means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 605.

(6) SUITABILITY AND CREDENTIALING EXECUTIVE AGENT.—The term ‘‘Suitability and Credentialing Executive Agent’’ means the Director (or the Council of Personnel Management) acting as the Suitability and Credentialing Executive Agent in accordance with Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information), or any successor entity.

SEC. 602. REPORTS AND PLANS RELATING TO SECURITY CLEARANCES AND BACKGROUND INVESTIGATIONS.

(a) SENATE.—It is the sense of Congress that—

(1) ensuring the trustworthiness and security of the workforce, facilities, and information of the Federal Government is of the highest priority to national security and public safety;

(2) the President and Congress should prioritize the modernization of the personnel security framework to improve its efficiency, effectiveness, and accountability;

(3) the current system for security clearance, suitability, and credentialing lacks efficiencies and capabilities to meet the current threat environment, recruit and retain a trusted workforce, and capitalize on modern technologies; and

(4) changes to policies or processes to improve this system should be vetted through the Council to ensure standardization, portability, and reciprocity in security clearances across the Federal Government.

(b) ACCOUNTABILITY PLANS AND REPORTS.—

(1) PLANS.—Not later than 90 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees for review and coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate members of Congress with the appropriate level of clearance to reflect changes in threats, the workforce, and technology.

(2) CONTENTS.—The report submitted under subparagraph (A) shall include the following:

(i) A risk framework for granting and renewing access to classified information.

(ii) A discussion of the use of technologies to prevent, detect, and monitor threats.

(iii) A discussion of efforts to address reciprocity and portability.

(iv) A discussion of the characteristics of effective insider threat programs.

(v) An analysis of how to integrate data from continuous evaluation, insider threat programs, and other relevant data.

(vi) Recommendations on interagency governance.

(3) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and the President a plan to implement the report’s framework and recommendations submitted under paragraph (2).

(b)(4) CONGRESSIONAL NOTIFICATIONS.—Not less frequently than quarterly, the Security Executive Agent shall make available to the public a report regarding the status of the disposition of requests received from departments and agencies of the Federal Government for a change to, or approval under, the Federal Investigative Standards for the clearance of an individual, the national adjudicative guidelines, continuous evaluation, or other national policy regarding personnel security.

SEC. 603. IMPROVING THE PROCESS FOR SECURITY CLEARANCES.

(a) REVIEWS.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate members of Congress a report that includes the following:

(i) A review of whether the information requested on the Questionnaire for National Security Positions (Standard Form 86) and the Federal Investigative Standards prescribed by the Office of Personnel Management is necessary to support the adjudicative guidelines, continuous evaluation, or other national policy regarding personnel security.

(b) USE OF AUTOMATED RECORDS CHECKS.—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent shall, in coordination with the members of the Council, establish a plan—

(1) A policy and implementation plan for the issuance of interim security clearances.

(b)(2) A policy and implementation plan to ensure contractors are performing efficiently in the security clearance process across agencies and departments of the United States as compared to employees of such agencies and departments. Such policy shall address—

(i) prioritization of processing security clearances based on the mission the contractors will be performing;

(ii) standardization in the forms and methods that agencies issue to initiate the process for a security clearance;

(iii) digitization of background investigation-related forms;

(iv) use of the polygraph; and

(v) recognition of clean clearances across agencies and departments of the United States, regardless of status of periodic reinvestigation;

(c) INTEGRATION OF CONTRACTOR SECURITY CLEARANCES.—

(i) A strategy and implementation plan that—

(A) provides for periodic reinvestigations as part of a security clearance determination on an as-needed, risk-based basis;

(B) includes actions to assess the extent to which automated records checks and other continuous evaluation methods may be used to conduct focus or focus reinvestigations; and

(C) provides an exception for certain populations if the Security Executive Agent—

(1) determines that such populations require reinvestigations only on a periodic basis; and

(2) provides written justification to the appropriate congressional committees for any such determination.

(ii) A policy and implementation plan for agencies and departments of the United States, as a part of the security clearance process, to accept automated records checks at appropriate intervals; and

(iii) a policy and implementation plan for agencies and departments of the United States, as a part of the security clearance process, to accept automated records checks at appropriate intervals; and

(iv) a plan for the issuance of interim security clearances.

(v) a plan for the issuance of interim security clearances.

(vi) a plan for the issuance of interim security clearances.

(vii) a plan for the issuance of interim security clearances.

(viii) a plan for the issuance of interim security clearances.

(ix) a plan for the issuance of interim security clearances.

(x) a plan for the issuance of interim security clearances.

(xi) a plan for the issuance of interim security clearances.
SEC. 604. GOALS FOR PROMPTNESS OF DETERMINATIONS REGARDING SECURITY CLEARANCES.

(a) RECIPROCITY DEFINED.—In this section, the term ‘‘reciprocity’’ means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

(b) IN GENERAL.—The Council shall require the security clearance process with the objective that, by December 31, 2021, 90 percent of all determinations, other than determinations regarding populations identified under section 603(b)(3)(C), regarding—

(A) at the secret level are issued in 30 days or fewer; and

(B) at the top secret level are issued in 90 days or fewer.

(2) RECIPROCITY OF SECURITY CLEARANCES AT THE SAME LEVEL ARE RECOGNIZED IN 2 WEEKS OR FEWER.

(c) CERTAIN REINVESTIGATIONS.—The Council shall require the security clearance process with the goal that by December 31, 2021, reinvestigations periods may not be required for more than 10 percent of the population that holds a security clearance.

(d) EQUIVALENT METRICS.

(1) IN GENERAL.—If the Council develops a set of performance metrics that it certifies to the appropriate congressional committees should achieve substantially equivalent outcomes established in subsections (b) and (c), the Council may use those metrics for purposes of compliance within this provision.

(2) NOTICE.—If the Council uses the authority provided by paragraph (1) to use metrics as described in such paragraph, the Council shall, not later than 30 days after communicating such metrics to departments and agencies, notify the appropriate congressional committees that it is using such authority.

(e) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees and make available to appropriate committees the required implementation plan described in subsections (b) and (c).

SEC. 605. SECURITY EXECUTIVE AGENT.

(a) IN GENERAL.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended—

(1) by redesignating sections 803 and 804 as sections 801 and 805, respectively; and

(2) by inserting after section 802 the following:

"SEC. 803. SECURITY EXECUTIVE AGENT.

'(a) IN GENERAL.—The Director of National Intelligence, or such other officer of the United States as the President may designate, shall serve as the Security Executive Agent for all departments and agencies of the United States.

'(b) DUTIES.—The duties of the Security Executive Agent are as follows:

"'(1) To direct the oversight of investigations, reinvestigations, adjudications, and, as applicable, polygraphs for eligibility for access to classified information or eligibility to hold a sensitive position made by any Federal agency.

"'(2) To review the national security background investigation and adjudication programs of Federal agencies to determine whether such programs are being implemented in accordance with this section.

"'(3) To develop and issue uniform and consistent policies and procedures to ensure the effective, efficient, timely, and secure completion of investigations and adjudications relating to determinations of eligibility for access to classified information or eligibility to hold a sensitive position.

"'(4) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to conduct investigations of persons who are proposed for access to classified information or for eligibility to hold a sensitive position to ascertain whether such persons satisfy the criteria for obtaining and retaining access to classified information or eligibility to hold a sensitive position, as applicable.

"'(5) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to determine eligibility for access to classified information or eligibility to hold a sensitive position in accordance with Executive Order 12968 (50 U.S.C. 3161 et seq.) in lieu of, or for reciprocity with, the United States or any other foreign nation.

"'(6) To ensure reciprocal recognition of eligibility for access to classified information or eligibility to hold a sensitive position among Federal agencies, including acting as the final authority to arbitrate and resolve disputes among such agencies involving the reciprocity of investigations and adjudications of eligibility.

"'(7) To execute all other duties assigned to the Security Executive Agent by law.

'(c) AUTHORITY.—The Security Executive Agent shall—

"'(1) develop and issue uniform and consistent policies and procedures to ensure appropriate uniformity, centralization, efficiency, effectiveness, timeliness, and security in processes relating to determinations by such agencies of eligibility for access to classified information or eligibility to hold a sensitive position, including such matters as investigations, polygraphs, adjudications, and reciprocity;

"'(2) have the authority to grant exceptions to, or waives of, national security investigative requirements, including issuing implementation plans as necessary.

"'(3) have the authority to assign, in whole or in part, to the head of any Federal agency (solely or jointly) any of the duties of the Security Executive Agent designated in subsection (b) or the authorities described in paragraphs (1) and (2), provided that the exercise of such assigned duties or authorities is subject to the oversight of the Security Executive Agent, including such terms and conditions (including approval by the Security Executive Agent) as the Security Executive Agent determines appropriate; and

"'(4) define and set standards for continuous evaluation for continued access to classified information and for eligibility to hold a sensitive position, contingent on enrollment in a continuous evaluation program.

'(d) REPORT ON RECOMMENDATIONS FOR REINVESTIGATING AUTHORITIES.—Not later than 30 days after the date on which the Chairman of the Council submits to the appropriate congressional committees the report required by section 602(b)(2)(A), the Chairman shall submit to the appropriate congressional committees such recommendations as the Chairman may have for revising the authorities of the Security Executive Agent.

'(e) CONFORMING AMENDMENT.—Section 103H(j)(4)(A) of such Act (50 U.S.C. 3033(j)(4)(A)) is amended by striking ‘‘in section 804’’ and inserting ‘‘in sections 803 and 804’’.

'(f) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of such Act (50 U.S.C. 3002) is amended by striking the items relating to sections 803 and 804 and inserting the following:

"'Sec. 803. Security Executive Agent.

"'Sec. 804. Executive Order; Statistical Reports.

"'Sec. 805. Definitions.''

SEC. 606. REPORT ON UNIFIED, SIMPLIFIED, GOVERNMENTWIDE, AND LIMITED DOMESTIC REQUIREMENTS FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.

Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Credentialing Executive Agent, in coordination with the other members of the Council, shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a report regarding the advisability and feasibility of implementing uniform regulations for access to classified information, while still preserving security.

SEC. 607. REPORT ON CLEARANCE IN PERSON CONCEPT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that to reflect the greater mobility of the modern workforce, alternative methodologies merit analysis to allow greater flexibility, especially for individuals and out of positions that require access to classified information, while still preserving security.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that describes the requirements, feasibility, and advisability of implementing a clearance in person concept described in subsection (c).

(c) CLEARANCE IN PERSON CONCEPT.—The clearance in person concept—

'(1) permits an individual who once held a security clearance to remain in his or her eligibility for access to classified information, networks, and facilities for up to 3 years after the individual’s eligibility for access to classified information would otherwise lapse; and

'(2) recognizes, unless otherwise directed by the Security Executive Agent, an individual’s security clearance and background investigation as current, regardless of employment status, contingent on enrollment in a continuous vetting program.

'(d) DETERMINATIONS.—The cost required under subsection (b) shall address—

"'(1) requirements for an individual to voluntarily remain in a continuous evaluation program validated by the Security Executive Agent even if the individual is not in a position requiring access to classified information.

"'(2) appropriate safeguards for privacy;

"'(3) advantages to government and industry;

"'(4) the costs and savings associated with implementation.

"'(5) the risks of such implementation, including security and counterintelligence risks.

"'(6) an appropriate funding model; and

"'(7) fairness to small companies and independent contractors.

SEC. 608. BUDGET REQUEST DOCUMENTATION ON FUNDING FOR BACKGROUND INVESTIGATIONS.

(a) IN GENERAL.—For each part of the fiscal year 2020 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include—

"'(1) an exhibit that identifies the resources expended by each agency during the prior fiscal year for processing background investigations and continuous evaluation programs, cost-effectiveness and benefits, and whether the individual was a Government employee or contractor.
of the intelligence community for the fiscal year covered by the report, the following:

(A) The total number of initial security clearance background investigations sponsored for new employees;

(B) The total number of security clearance periodic reinvestigations sponsored for existing employees;

(C) The total number of initial security clearance background investigations for new applicants that were adjudicated with notice of a determination provided to the prospective applicant, including—

(i) the total number of such adjudications that were adjudicated favorably; and

(ii) the total number of such adjudications that were adjudicated favorably and resulted in a denial or revocation of a security clearance;

(D) The total number of security clearance periodic background investigations that were adjudicated with notice of a determination provided to the existing employee, including—

(i) the total number of such adjudications that were adjudicated favorably; and

(ii) the total number of such adjudications that were adjudicated favorably and resulted in a denial or revocation of a security clearance;

(E) The total number of pending security clearance background investigations, including initial applicant investigations and periodic reinvestigations, that were not adjudicated as of the last day of such year and that remained pending, categorized as follows:

(i) For 180 days or shorter.

(ii) For longer than 180 days, but shorter than 12 months.

(iii) For 12 months or longer, but shorter than 18 months.

(iv) For 18 months or longer, but shorter than 24 months.

(v) For 24 months or longer.

(F) For any security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—

(i) an explanation of the causes for the delays incurred during the period covered by the report; and

(ii) the number of such delays involving a polygraph requirement.

(G) The percentage of security clearance investigations, including initial and periodic reinvestigations, that resulted in a denial or revocation of a security clearance.

(H) The percentage of security clearance investigations that resulted in incomplete information.

(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.

(J) Such other information or records as the Secretary of Defense considers appropriate.

3. The report submitted under subsection (a) shall be known as the "Trustworthiness Program Report."
the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate congressional committees a plan for the implementation of a pilot program to assess the feasibility and advisability of expanding the Program to include the sharing of information held by the Federal Government relating to contract personnel with the security office of the employers of those contractor personnel.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and other human resources or military recruitment processes.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the pilot program.

(g) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall submit to the appropriate congressional committees a review of the plans submitted under subsections (e)(1) and (f)(1) and of the effectiveness of the programs described in such plans.

SEC. 613. REPORT ON PROTECTIONS FOR CONFIDENTIALITY OF WHISTLEBLOWER-RELATED COMMUNICATIONS.

Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the Inspector General of the Intelligence Community, submit to the appropriate congressional committees a report detailing the controls employed by the intelligence community to ensure that continuous vetting programs, including those involving user activity monitoring, protect the confidentiality of whistleblower-related communications.

TITLE VII—REPORTS AND OTHER MATTERS

Subtitle A—Matters Relating to Russia and Other Foreign Powers

SEC. 701. LIMITATIONS RELATING TO ESTABLISHMENT OR SUPPORT OF CYBERSECURITY UNIT WITH THE RUSSIAN FEDERATION.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) LIMITATION.—

(1) IN GENERAL.—No amount may be expended by the Federal Government, other than the Department of Defense, to enter into or implement any bilateral agreement between the United States and the Russian Federation regarding cybersecurity, including the establishment or support of any cybersecurity unit, unless, at least 30 days prior to the conclusion of any such agreement, the Secretary of Defense submits to the appropriate congressional committees a report on such agreement that includes the elements required by subsection (c).

(2) DEPARTMENT OF DEFENSE AGREEMENTS.—Any agreement between the Department of Defense and the Russian Federation regarding cybersecurity shall be conducted in accordance with section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 115-91) and section 1231 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

(c) ELEMENTS.—If the Director submits a report under subsection (b) with respect to an agreement, such report shall include a description of each of the following:

(1) The purpose of the agreement.

(2) The nature of any intelligence to be shared pursuant to the agreement.

(3) The expected value to national security resulting from the implementation of the agreement.

(4) Such counterintelligence concerns associated with the agreement as the Director expects to be taken to mitigate such concerns.

(d) RULE OF CONSTRUCTION.—This section shall not be construed to affect any existing authority of the Director of National Intelligence, the Director of the Central Intelligence Agency, or the National Director of Counterintelligence to share pursuant to the agreement.

SEC. 702. REPORT RETURNING RUSSIAN COMPOUNDS.

(a) COVERED COMPOUNDS DEFINED.—In this section, the term ‘‘covered compounds’’ means the area of New York, the real property in Maryland, and the real property in San Francisco, California, that were under the control of the Government of Russia in 2016 and were removed from such control in response to various transgressions by the Government of Russia, including the interference by the Government of Russia in the 2016 elections in the United States.

(b) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives (only with respect to the unclassified form), a report on the intelligence risks of returning the covered compounds to the Russian Federation.

(c) FORM OF REPORT.—The report required by this section shall be submitted in classified and unclassified forms.

SEC. 703. ASSESSMENT OF THREAT FINANCE RELATING TO RUSSIA.

(a) THREAT FINANCE DEFINED.—In this section, the term ‘‘threat finance’’ means—

(1) the financing of cyber operations, global influence campaigns, intelligence service activities, proliferation, terrorism, or transnational crime and drug organizations;

(2) the methods and entities used to spend, store, move, raise, conceal, or launder money or value, on behalf of threat actors;

(3) sanctions evasion; and

(4) other forms of threat finance activity domestically or internationally, as defined by the President.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of the Treasury for Intelligence and Analysis, shall submit to the congressional intelligence committees a report containing an assessment of Russian threat finance.

(c) BASED ON INTELLIGENCE.—The report shall be based on intelligence from all sources, including from the Office of Terrorism and Financial Intelligence of the Department of the Treasury.

(d) FORM OF REPORT.—The report required by subsection (b) shall include each of the following:

(1) A summary of leading examples from the 3-year period preceding the date of the submittal of the report of threat finance activities conducted by, for the benefit of, or at the direction of—

(A) officials of the Government of Russia;

(B) persons subject to sanctions under any provision of law imposing sanctions with respect to Russia;

(C) Russian nationals subject to sanctions under any other provision of law; or

(D) Russian oligarchs or organized criminals.

(2) An assessment with respect to any trends or patterns in threat finance activities relating to Russia, including common methods of conducting such and global nodes of money laundering used by Russian threat actors described in paragraph (1) and associated entities.

(3) An assessment of any connections between Russian individuals involved in money laundering and the Government of Russia.

(4) A summary of engagement and coordination with international partners on threat finance relating to Russia, especially in Europe, including examples of such engagement and coordination.

(5) An identification of any resource and collection gaps.

(6) An identification of—

(A) entry points of money laundering by Russian associates of an entity into the United States;

(B) any vulnerabilities within the United States legal and financial system, including specific sectors, which have been or could be exploited in connection with Russian threat finance activities; and

(C) the counterintelligence threat posed by Russian money laundering and other forms of threat finance, as well as the threat to the United States financial system and United States efforts to enforce sanctions and combat organized crime.

(7) Any other matters the Director determines appropriate.

(d) FORM OF REPORT.—The report required under subsection (b) may be submitted in classified form.

SEC. 704. NOTIFICATION OF AN ACTIVE MEASURES CAMPAIGN.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(C) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term ‘‘congressional leadership’’ includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(b) REQUIREMENT FOR NOTIFICATION.—The Director of National Intelligence, in cooperation with the Director of the Federal Bureau of Investigation and the head of any other relevant agency, shall notify the congressional leadership and the Chairman and Vice Chairman or Ranking Member of each of the appropriate congressional committees, and of other relevant committees of jurisdiction, each time the Director of National Intelligence determines that information that a foreign power has, is, or will attempt to employ a covert influence or active
not elements of the intelligence community and relevant regulatory and industry groups described in subsection (b), to convey key messages across sectors targeted by United States adversaries.

(D) Strategies to assist affected elements of the communities described in subparagraph (C) in mitigating, deterring, and protecting against the threats posed by the efforts of adversaries described in subsection (b), with focus on producing information that enables private entities to justify business decisions related to national security concerns.

(E) The advisability of the establishment of a United States Government-wide task force to coordinate and activities to combat the threats from efforts of adversaries described in subsection (b).

(F) Such other matters as the Director of National Intelligence may consider necessary.

(d) Consultation Encouraged.—In preparing the report required by subsection (b), the Director is encouraged to consult with other government agencies, think tanks, academia, representatives of the financial industry, or such other entities as the Director considers appropriate.

(e) Form.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex as necessary.

SEC. 707. REPORT ON IRANIAN SUPPORT OF Proxy FORCES IN SYRIA AND LEBANON.

(a) Definitions.—In this section:

(1) Appropriate committees of Congress.—The term "appropriate committees of Congress" means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Armed Services, Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) Report Required.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report detailing outreach by the intelligence community and the Defense Intelligence Enterprise to United States industries, academic institutions, and academic communities on matters relating to the efforts of adversaries of the United States to acquire critical United States technologies, military property, and research and development information.

(c) Contents.—The report required by subsection (b) shall include the following:

(1) A review of the current outreach efforts of the intelligence community and the Defense Intelligence Enterprise described in subsection (b), including the type of information obtained.

(2) A determination of the appropriate element of the intelligence community to lead such outreach efforts.

(3) An assessment of potential methods for improving the effectiveness of such outreach, including an assessment of the following:

(A) Those critical technologies, infrastructure, or related supply chains that are at risk from the efforts of adversaries described in subsection (b).

(B) The general and advisability of granting security clearances to companies or community leadership, when necessary and appropriate, to allow for tailored classified briefings on the threat posed by Iran to the United States.

(C) The advisability of partnering with entities of the Federal Government that are

transfer was by land, sea, or air, as well as financial and additional technological capabilities transferred by Iran to Hizballah.

(2) A description of Iranian and Iranian-collaborated personnel, including Hizballah, Shia militias, and Iran’s Revolutionary Guard Corps forces, operating within Syria, including the number and geographic distribution of such personnel within 30 kilometers of the Israeli borders with Syria and Lebanon.

(3) An assessment of Hizballah’s operational posture, based on its recent experiences in Syria.

(4) A description of any rocket-producing facilities in Lebanon, including whether such facilities were assessed to be built at the direction of Hizballah leadership, Iran leadership, or in consultation with Iran leadership and Hizballah leadership.

(5) An analysis of the foreign and domestic supply chains that significantly facilitate, support, or otherwise aid Hizballah, including development of missile production facilities, including the geographic distribution of such foreign and domestic supply chains.

(6) An assessment of the provision of goods, services, or technology transferred by Iran or its affiliates to Hizballah to indispensably manufacture or otherwise aid Hizballah.

(7) An identification of foreign persons that are based on credible information, facilitating the transfer of significant financial support or arms or related material to Hizballah.

(8) A description of the threat posed to Israel and other United States allies in the Middle East by the transfer of arms or related material or other support offered to Hizballah and other proxies from Iran.

The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 708. ANNUAL REPORT ON IRANIAN EXPENDITURES SUPPORTING FOREIGN MILITARY AND TERRORIST ACTIVITIES.

(a) Annual Report Required.—Not later than 90 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to Congress a report describing Iranian expenditures in the previous calendar year on military and terrorist activities in the United States and other countries, including each of the following:

(1) The amount spent in such calendar year on activities by the Islamic Revolutionary Guard Corps, including activities providing support for—

(A) Hizballah;

(B) Houthis in Yemen;

(C) Hamas;

(D) proxy forces in Iraq and Syria; or

(E) any other entity or country the Director determines to be relevant.

(2) The amount spent in such calendar year for ballistic missile research and testing or other activities that the Director determines are destabilizing to the Middle East region.

(b) Form.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 709. EXPANSION OF COMMITTEE TO COUNTER ACTIVE MEASURES AND REPORT ON ESTABLISHMENT OF FOREIGN MALIGN INFLUENCE CENTER.

(a) Scope of Committee to Counter Active Measures.—

(1) In General.—Section 501 of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115-31; 50 U.S.C. 3001 note) is amended—

(A) In subsections (a) through (b)—

(i) by inserting ‘‘, the People’s Republic of China, the Islamic Republic of Iran, the
Democratic People's Republic of Korea, or other nation state" after “Russin Federation” each place it appears; and
(ii) by inserting ‘‘China, Iran, North Korea, or other nation state’’ after “Russia” each place it appears; and

(b) in the section heading, by inserting ‘‘, CHINA, IRAN, NORTH KOREA, or OTHER NATION STATE’’ after “RUSSIAN FEDERATION”.

(2) TECHNICAL AMENDMENT.—(a) in the subsection heading, by striking ‘‘SEC. 403. TECHNICAL CORRECTION TO INSPECTION’’ and inserting ‘‘SEC. 710. TECHNICAL CORRECTION TO INSPECTION’’

(b) in paragraph (1), by striking ‘‘AUDIT’’ and inserting ‘‘REVIEW’’.

(c) in paragraph (2), by striking ‘‘audit’’ and inserting ‘‘review’’.

SEC. 710. TECHNICAL CORRECTION TO INSPECTION

(a) in the subsection heading, by striking ‘‘AUDIT’’ and inserting ‘‘REVIEW’’.

(b) in paragraph (1), by striking ‘‘audit’’ and inserting ‘‘review’’.

(c) in paragraph (2), by striking ‘‘audit’’ and inserting ‘‘review’’.

SEC. 711. TECHNICAL CORRECTION TO INSPEC-

TOR GENERAL STUDY

Section 1101(d) of title 5, United States Code, is amended—

(1) in the subsection heading, by striking ‘‘AUDIT’’ and inserting ‘‘REVIEW’’;

(2) in paragraph (1), by striking ‘‘audit’’ and inserting ‘‘review’’;

(3) in paragraph (2), by striking ‘‘audit’’ and inserting ‘‘review’’.

SEC. 712. REPORTS ON AUTHORITY OF THE CHIEF INTELLIGENCE OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘‘appropriate committees of Congress’’ means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Homeland Security of the House of Representatives.

(2) HOMELAND SECURITY INTELLIGENCE ENTERPRISE.—The term ‘‘Homeland Security Intelligence Enterprise’’ has the meaning given such term in Department of Homeland Security Instruction Number 264-01-001, or successor authority.

(b) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Under Secretary of Homeland Security for Intelligence and Analysis, shall submit to the appropriate committees of Congress a report on the authorities of the Under Secretary.

(c) ELEMENTS.—The report required by subsection (b) shall include each of the following:

(1) The obstacles to exercising the authorities of the Chief Intelligence Officer of the Department and the Homeland Security Intelligence Council, of which the Chief Intelligence Officer is the chair; and

(2) C ONTENTS.—The Report required by section (b) shall include each of the following:

(1) An analysis of whether the Under Secretary has the legal and policy authority necessary to exercise the authorities of the Homeland Security Intelligence Enterprise, with respect to intelligence, and, if not, a description of—

(A) the obstacles to exercising the authorities of the Chief Intelligence Officer of the Department and the Homeland Security Intelligence Council, of which the Chief Intelligence Officer is the chair; and

(B) the legal and policy changes necessary to effectively coordinate, organize, and lead intelligence activities of the Department of Homeland Security.

(2) A description of the actions that the Secretary has taken to address the inability of the Under Secretary to require components of the Office of Intelligence and Analysis of the Department to—

(A) coordinate intelligence programs; and

(B) integrate and standardize intelligence products produced by such other components.

SEC. 713. REPORT ON CYBER EXCHANGE PROGRAMS

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on the potential establishment of a fully voluntary exchange program between elements of the intelligence community and private technology companies under which—

(1) an employee of an element of the intelligence community with demonstrated expertise in cybersecurity or related disciplines may elect to be temporarily detailed to a private technology company that has elected to receive the detail;

(2) an employee of a private technology company with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to an element of the intelligence community that has elected to receive the detail;

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the current process for providing such exchange programs,

(2) Identification of any challenges in establishing such exchange programs, and

(3) A description of the benefits and drawbacks of such process.

SEC. 714. REVIEW OF INTELLIGENCE COMMUNITY ANTI-WHISTLEBLOWER MATTERS

(a) REVIEW OF WHISTLEBLOWER MATTERS.—The Inspector General of the Intelligence Community, in consultation with the inspectors general for the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency, shall conduct a review of whistleblower matters to determine—

(1) the obstacles to exercising the authorities, policies, and procedures of the intelligence community whistleblower matters, with respect to such inspectors general.

(b) OBJECTIVE OF REVIEW.—The objective of the review under subsection (a) is to identify any deficiencies, inconsistencies, or other issues, which frustrate the timely and effective reporting of intelligence community whistleblower matters.

(c) DUTIES.—The Inspector General of the Intelligence Community shall take measures that the Inspector General determines necessary in order to ensure that the review required by subsection (a) is conducted in an independent and objective fashion.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the appropriate committees of Congress a written report containing the results of the review required under subsection (a), along with recommendations to improve the timely and effective reporting of intelligence community whistleblower matters to inspectors general and the intelligence community.

SEC. 715. REPORT ON ROLE OF DIRECTOR OF NA-

TIONAL INTELLIGENCE IN REVIEW WITH RESPECT TO CERTAIN FOREIGN INVESTMENTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees a report on the role of the Director in preparing analytic materials in connection with the evaluation by the Federal Government of national security risks associated with potential foreign investments into the United States.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a description of the current process for the provision of the analytic materials described in subsection (a);

(2) an identification of the most significant benefits and drawbacks of such process with respect to the role of the Director, including the sufficiency of resources and personnel to perform such analysis;

(3) recommendations to improve such process.

SEC. 716. REPORT ON SURVEILLANCE BY FOR-

EIGN GOVERNMENTS AGAINST UNITED STATES TELECOMMUNICA-

TIONS NETWORKS.

(a) APPLICABLE CONGRESSIONAL COMMIT-

TEES DEFINED.—In this section, the term ‘‘appropriate congressional committees’’ means the following:

(1) the congressional intelligence committees;

(2) the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate;

(3) the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with the Central Intelligence Agency, the Director of the National Security Agency, the Director of the National Geospatial-Intelligence Agency, the Director of the National Reconnaissance Office, the Director of the Defense Intelligence Agency, and the Secretary of Homeland Security, submit to the appropriate congressional committees a report describing—

(1) the extent to which foreign governments engage in cyberespionage and cyberwarfare activities.
States telecommunications networks (including Signaling System No. 7) to target for surveillance United States persons, including employees of the Federal Government; and

(2) any actions, as of the date of the enactment of this Act, taken by the intelligence community to protect agencies and personnel of the United States Government from surveillance conducted by foreign governments.

SEC. 717. BIENNAI REPORT ON FOREIGN INTELLIGENCE WORKING GROUP.—

(a) INTELLIGENCE COMMUNITY INTERAGENCY WORKING GROUP.—

(1) REQUIREMENT TO ESTABLISH.—The Director of National Intelligence shall establish an intelligence community interagency working group to prepare the biennial reports required by subsection (b).

(b) CHAIRPERSON.—The Director of National Intelligence shall serve as the chairperson of such interagency working group.

(3) MEMBERSHIP.—Such interagency working group shall be composed of representatives of each element of the intelligence community that the Director of National Intelligence determines appropriate.

(b) REPORT ON FOREIGN INVESTMENT RISKS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on foreign investment risks prepared by the interagency working group to prepare the biennial reports required by subsection (b).

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:

(A) The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.

(B) The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.

(C) Of the number of such completed investigations described in subparagraph (B), the number referred to the Attorney General for criminal investigation.

(d) FORM OF REPORTS.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may have a classified annex.

(c) DEPARTMENT OF JUSTICE REPORTING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the congressional intelligence committees a report on the status of each referral covered by the report, at a minimum, the following:

(A) The date the referral was received.

(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

(D) A statement indicating whether an open criminal investigation related to the referral is active.

(E) A statement indicating whether any criminal charges have been filed related to the referral.

(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity.

(d) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.

(c) DEPARTMENT OF JUSTICE REPORTING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the congressional intelligence committees a report on the status of each referral covered by the report, at a minimum, the following:

(A) The date the referral was received.

(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

(D) A statement indicating whether an open criminal investigation related to the referral is active.

(E) A statement indicating whether any criminal charges have been filed related to the referral.

(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity.

(d) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.

(2) C LERICAL AMENDMENT.—The table of contents of the report submitted under paragraph (c) shall include the following:

(A) The date the referral was received.

(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

(D) A statement indicating whether an open criminal investigation related to the referral is active.

(E) A statement indicating whether any criminal charges have been filed related to the referral.

(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity.

(d) FORM OF REPORTS.—Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.

CONGRESSIONAL RECORD — SENATE
known to have been patched.

ties Process; and

clude an unclassified appendix that con-

port submitted under paragraph (1) shall in-

umented.

agency of the Inspector General, analyses of

mes for the Department of Defense, the Department of Defense, and the Department of State as the Director considers appropriate; and

(B) such additional agencies and persons in the private sector as the Director considers appropriate.

FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) BRIEFING ON EMERGING INFECTIOUS DISEASE AND PANDEMICS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ‘‘appropriate congressional committees’’ means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(C) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the appropriate congressional committees a briefing on the anticipated geopolitical effects of infectious disease (including deliberate, accidental, and naturally occurring infectious disease threats) and pandemics, and the implications on the national security of the United States.

(3) CONTENT.—The briefing under paragraph (2) shall include an assessment of—

(A) the economic, social, political, and security risks, costs, and impacts of emerging infectious diseases on the United States and the international political and economic system;

(B) the economic, social, political, and security risks, costs, and impacts of a possible transnational pandemic on the United States and the international system; and

(C) contributing trends and factors to the matters assessed under subparagraphs (A) and (B).

(4) EXAMINATION OF RESPONSE CAPACITY.—In examining the risks of emerging infectious disease and a possible transnational pandemic under paragraph (3), the Director of National Intelligence shall examine in the briefing under paragraph (2) the response capacity within affected countries and the international system. In considering response capacity, the Director shall include—

(A) the ability of affected nations to effec-
vably detect and manage emerging infectious diseases and a possible transnational pandemic;

(B) the role and capacity of international organizations and nongovernmental organizations to respond to emerging infectious disease and a possible pandemic, and their ability to coordinate with affected and donor nations; and

(C) the effectiveness of current international frameworks, agreements, and health systems to respond to emerging infectious diseases and a possible transnational pandemic.

(b) PROVISION OF DOCUMENTS.—The briefing under paragraph (2) may be classified.

SEC. 724. ANNUAL REPORT ON MEMORANDA OF UNDERSTANDING BETWEEN ELEMENTS OF THE INTELLIGENCE COMMUNITY AND OTHER ENTITIES OF THE UNITED STATES GOVERNMENT.

Section 311 of the Intelligence Authorization Act for Fiscal Year 2017 (50 U.S.C. 3313) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking subsection (a) and inserting the following:

‘‘(a) IN GENERAL.—Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, United States Code, each head of an element of the intelligence community shall submit to the congressional intelligence committees a report that lists each memorandum of understanding or other agreement regarding significant operational activities or policy entered into during the most recent completed fiscal year between or among such element and any other entity of the United States Government.

(b) PROVISION OF DOCUMENTS.—Each head of an element of an intelligence community who receives a request from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a memorandum of understanding or other document listed in a report submitted by the head under subsection (a) shall submit to such committee the requested copy as soon as practicable after receiving such request.’’.

SEC. 725. STUDY ON THE FEASIBILITY OF ENCRYPTING UNCLASSIFIED WIRELINE AND WIRELESS TELEPHONE CALLS.

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a study on the feasibility of encrypting unclassified wireline and wireless telephone calls between personnel in the intelligence community.

(b) REPORT.—Not later than 90 days after the date on which the Director completes the study required by subsection (a), the Direc-
tor shall submit to the congressional intelligence committees a report on the Direc-
ktor’s findings with respect to such study.
SEC. 726. MODIFICATION OF REQUIREMENT FOR ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.

(a) EXPANSION OF PERIOD OF REPORT.—Subsection (a) of section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is amended by inserting “and the preceding 5 fiscal years” after “fiscal year”.

(b) CLARIFICATION ON DISAGGREGATION OF DATA.—Subsection (a) of section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is amended, in the matter before paragraph (1), by striking “disaggregated data by category of covered person from each element of the intelligence community” and inserting “data, disaggregated by category of covered person and by element of the intelligence community.”

SEC. 727. REPORTS ON INTELLIGENCE COMMUNITY LOAN REPAYMENT AND RELATED PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there should be established, through the issuing of an Intelligence Community Directive or otherwise, an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, for employees of the intelligence community;

(2) such a program would enhance the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions;

(3) such a program, including with respect to eligibility requirements, should be designed to maximize the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions; and

(4) to the extent possible, such a program should be uniform throughout the intelligence community and publicly promoted by each element of the intelligence community to both current employees of the element as well as to prospective employees of the element.

(b) REPORT ON POTENTIAL INTELLIGENCE COMMUNITY-WIDE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in cooperation with the heads of the elements of the intelligence community and the heads of any department or agency of the Federal Government, shall submit to the congressional intelligence committees a report on potentially establishing and implementing a program for student loan repayment, student loan forgiveness, financial counseling, and related matters, as described in subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of the financial resources that the elements of the intelligence community would require to establish and initially carry out the program specified in paragraph (1); and

(B) A description of the practical steps to establish and carry out such a program.

(c) ANNUAL REPORTS ON ESTABLISHED PROGRAMS.—

(1) COVERED PROGRAMS DEFINED.—In this subsection, the term ‘‘covered programs’’ means any loan repayment program, loan forgiveness program, financial counseling program, or established pursuant to title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) or other provision of law that may be administered or used by an element of the intelligence community.

(2) ANNUAL REPORTS REQUIRED.—Not less frequently than annually, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the covered programs.

(a) A description of the efforts made by each element of the intelligence community to carry out the covered program pursuant to the personnel of the element of the intelligence community and to prospective personnel.

SEC. 728. REPORTS ON INTELLIGENCE COMMUNITY RECOGNITION REPORTING REQUIREMENTS.

(a) CORRECTING LONG-STANDING MATERIAL WEAKNESSES.—Section 388 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259; 50 U.S.C. 3561 note) is hereby repealed.

(b) INTELLIGENCE COMMUNITY REPORT ON SENIOR EXECUTIVE SERVICE POSITIONS INCLUDED.—Section 2103 of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

(1) by striking subsection (c); and

(2) in subsection (b), as so redesignated—

(A) in paragraph (3), by striking “in each”; and

(B) by striking paragraph (4).

(c) INSPECTOR GENERAL REPORT.—Section 812 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking subsection (c); and

(2) in subsection (b), as so redesignated—

(A) by striking paragraph (3); and

(B) by striking paragraph (4).

(d) AMENDING REFERENCE.—In section 101 of the Intelligence Community Reform Act of 2008 (Public Law 110-155), subsection (a) is amended—

(1) in paragraph (1), by striking “and” and inserting “or”;

(2) by striking paragraph (2); and

(3) in paragraph (3), by striking “and” and inserting “or”.

SEC. 729. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REPORT ON SENIOR EXECUTIVE SERVICE POSITIONS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the identification of any legislative action authorized by the Inspector General of the Intelligence Community to both current employees of the element as well as to prospective employees of the element.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on the number of Senior Executive Service positions in the Office of the Director of National Intelligence.

(c) MATTERS INCLUDED.—The report under subsection (b) shall include the following:

(1) The number of required Senior Executive Service positions that is estimated by the Inspector General of the Intelligence Community to be necessary based on the mission of the Office.

(2) A discussion of how the number of the Senior Executive Service positions in the Office compare to the number of senior positions at comparable organizations.

(d) COOPERATION.—The Director of National Intelligence shall provide to the Inspector General of the Intelligence Community any information requested by the Inspector General of the Intelligence Community that is necessary to carry out this section by not later than 14 calendar days after the date of the enactment of this Act.

SEC. 730. BRIEFING ON FEDERAL BUREAU OF INVESTIGATION OFFERING PERMANENT RESIDENCE TO SOURCES AND COOPERATORS.

Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall provide to the congressional intelligence committees a briefing on the ability of the Federal Bureau of Investigation to offer, as an incentive to sources and cooperators, permanent residence within the United States to foreign individuals who are sources or cooperators in counterintelligence or other national security-related investigations.

The briefing shall address the following:

(1) The extent to which the Bureau may make such offers, whether independently or in conjunction with other agencies and departments of the United States Government, and including a discussion of the authorities provided by section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)), section 7 of the Central Intelligence Agency Act (30 U.S.C. 3508), and any other provision of law under which the Bureau may make such offers.

(2) An overview of the policies and operational practices of the Bureau with respect to making such offers.

(3) The sufficiency of such policies and practices with respect to inducing individuals to cooperate with, serve as sources for, or engage in any investigation or other provision of law that may be administered or used by an element of the intelligence community.

SEC. 731. INTELLIGENCE ASSESSMENT OF NORTH KOREA REVENUE SOURCES.

(a) ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of State for Intelligence and Research and the Assistant Secretary of the Treasury for Intelligence and Analysis, shall produce an intelligence assessment of the revenue sources of the North Korean regime.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a briefing on the ability of the Federal Bureau of Investigation to offer, as an incentive to sources and cooperators, permanent residence within the United States to foreign individuals who are sources or cooperators in counterintelligence or other national security-related investigations.

(2) Financial and non-financial networks, including a discussion of the authorities provided by section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)), section 7 of the Central Intelligence Agency Act (30 U.S.C. 3508), and any other provision of law under which the Bureau may make such offers.

(2) Trade in gold, uranium ore, vanadium ore, copper, silver, nickel, zinc, or rare earth minerals, and other stores of value.

(2) Trade in textiles.

(3) Sales of conventional defense articles and services.

(3) Sales of controlled goods, ballistic missiles, and other associated items.

(4) Other types of manufacturing for export, as the Director of National Intelligence considers appropriate.

(4) The exportation of workers from North Korea in a manner intended to generate significant revenue, directly or indirectly, for use by the government of North Korea.

(5) The provision of nonhumanitarian goods such as food, medicine and technical devices and services by other countries.

(5) The provision of services, including both legal and other support, including by entities located in the Russian Federation, China, and Iran.

(6) Online commercial activities of the Government of North Korea, including online gambling.

(6) Criminal activities, including cyber-enabled crime and counterfeit goods.

(7) Financial and non-financial networks, including child marriage, supply chain management, transportation, and facilitation, through which
North Korea accesses the United States and international financial systems and repatriates and exports capital, goods, and services; and

(3) the global financial institutions, money services business, and payment systems that assist North Korea with financial transactions.

(c) SUBMITTAL TO CONGRESS.—Upon completion of the assessment required under subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees a copy of such assessment.

SEC. 732. REPORT ON POSSIBLE EXPLOITATION OF VIRTUAL CURRENCIES BY TERRORIST ACTORS.

(a) SHORT TITLE.—This section may be cited as the “Stop Terrorist Use of Virtual Currencies Act”.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the possible exploitation of virtual currencies by terrorist actors. Such report shall include the following elements:

(1) An assessment of the means and methods by which international terrorist organizations and States sponsor terrorism use virtual currencies.

(2) An assessment of the use by terrorist organizations and States of virtual currencies compared to the use by such organizations and States of other forms of financing to support operations, including an assessment of the collection posture of the intelligence community on the use of virtual currencies by such organizations and States.

(3) A description of any existing legal impediments that inhibit or prevent the intelligence community from collecting information on or helping prevent the use of virtual currencies by international terrorist organizations and States sponsors of terrorism and an identification of any gaps in existing law that could be exploited for illicit funding by such organizations and States.

(c) FORM OF REPORT.—The report required by subsection (b) shall be submitted in an unclassified form, but may include a classified annex.

Subtitle C—Other Matters

SEC. 741. PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 757 of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 3161 note) is amended by striking “December 31, 2018” and inserting “December 31, 2028”.

SEC. 742. SECURING ENERGY INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Energy and Natural Resources of the Senate; and

(C) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

(2) COVERED ENTITY.—The term “covered entity” means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructures and key cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) EXPLOIT.—The term “exploit” means a software tool designed to take advantage of a security vulnerability.

(4) INDUSTRIAL CONTROL SYSTEM.—The term “industrial control system” means an operational technology used to measure, control, or manage industrial functions, and includes supervisory control and data acquisition systems, distributed control systems, and programmable logic or embedded controllers.

(5) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given in the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(b) PROGRAM.—The term “program” means the pilot program established under subsection (b).

(c) FORM OF REPORT.—The report required under subsection (b) shall be submitted to Congress not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees a final report that—

(A) describes the results of the Program;

(B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(d) REPORTS ON THE PROGRAM.—

(1) INTERIM REPORT.—Not later than 180 days after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees an interim report that—

(A) describes the results of the Program;

(B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(2) EXEMPTION FROM DISCLOSURE.—Information shared by or with the Federal Government, or a State Tribal, or local government under this section—

(A) shall be deemed to be voluntarily shared information;

(B) shall be exempt from disclosure under section 552 of title 5, United States Code, or any provision of any State, Tribal, or local law requiring the disclosure of information or records;

(3) PROTECTION FROM LIABILITY.—In general.—A cause of action against a covered entity for engaging in the voluntary activities authorized under subsection (b) shall not lie or be maintained in any court, and

(B) shall be promptly dismissed by the applicable court.

(2) WORKING GROUP AND REPORT.—There is established the Working Group to Evaluate Program Standards and Develop Strategy.

(b) ESTABLISHMENT.—The Secretary shall establish a working group—

(1) to develop a national cyber-informed engineering service to support and defend covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities.

(2) to evaluate the technology and standards used in the Program under subsection (b)(2); and

(3) to develop a national cyber-informed engineering service to support and defend covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities.

(c) WORKING GROUP AND REPORT.—There is established a working group established under paragraph (1) shall be composed of not fewer than 10 members, to be appointed by the Secretary, at least 1 member of which shall represent each of the following:

(A) The Department of Energy.

(B) The energy industry, including electric utilities and manufacturers recommended by the Energy Sector coordinating councils.

(C) The Department of Homeland Security;

(D) the Industrial Control Systems Cyber Emergency Response Team.


(E) The Nuclear Regulatory Commission.

(F) (i) The Office of the Director of National Intelligence; or

(ii) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(G) (i) The Department of Defense; or

(ii) the Assistant Secretary of Defense for Homeland Security and America’s Security Affairs.

(H) A State or regional energy agency.

(I) A national research body or academic institution.

(J) The National Laboratories.

(k) AVAILABILITY.—Amounts made available under paragraphs (1) and (2) shall remain available until expended.

SEC. 743. BUG BOUNTY PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(b) PROGRAM.—There is established the “bug bounty program” means a program under which an approved computer security specialist or security researcher is temporarily
authorized to identify and report vulnerabilities within the information system of an agency or department of the United States in exchange for compensation.

(3) Consultation.—The term ‘‘information system’’ has the meaning given that term in section 3502 of title 44, United States Code.

(b) Bug Bounty Program.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to appropriate committees of Congress a plan to establish a bug bounty program to encourage technology companies in the United States to implement bug bounty programs.

(2) CONTENTS.—The plan required by paragraph (1) shall include—

(A) an assessment of the following:

(i) the ‘‘Hack the Pentagon’’ pilot program carried out by the Department of Defense in 2016 and subsequent bug bounty programs in identifying and reporting vulnerabilities within the information systems of the Department of Defense; and

(ii) private sector bug bounty programs, including such programs implemented by leading technology companies in the United States.

(B) recommendations on the feasibility of initiating bug bounty programs at appropriate agencies and departments of the United States.

(C) TECHNICAL AND CLERICAL AMENDMENTS.—Section 744 of title II of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2203 note) is amended by inserting at the end the following new item:

‘‘(5) The National Intelligence University shall be retained by the university to defray the costs of such instruction.’’.

(D) FINANCIAL ASSISTANCE.—Section 503(a) of title 10, United States Code, is amended by—

(A) inserting at the end the following:

‘‘(F) The National Intelligence University shall be retained by the university to defray the costs of such instruction.’’;

(B) inserting the following new item:

‘‘(5) The National Intelligence University shall be retained by the university to defray the costs of such instruction.’’.

(4) PILOT PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

(A) the curriculum in which private sector employees may be enrolled under the pilot program is not readily available through other schools and concentrates on national security-relevant issues; and

(B) the course offerings at the National Intelligence University are determined by the needs of the Department of Defense and the intelligence community.

(5) TUTITION.—The President of the National Intelligence University shall charge students enrolled under the pilot program a rate that—

(A) is at least the rate charged for employees of the United States outside the Department of Defense, less infrastructure costs; and

(B) considers the value to the school and course of the private sector student.

(6) STANDARDS OF CONDUCT.—While receiving instruction at the National Intelligence University under the pilot program, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the university.

(7) USE OF FUNDS.—

(A) IN GENERAL.—Amounts received by the National Intelligence University for instruction of students enrolled under the pilot program shall be retained by the university to defray the costs of such instruction.

(B) RECORDS.—The source, and the disposition, of such funds shall be specifically identified in records of the university.

(8) ANNUAL REPORT.—The Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives a report on the number of eligible private sector employees participating in the pilot program.

(9) TECHNICAL AND CLERICAL AMENDMENTS.—Section 744 of title II of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 2203 note) is amended—

(A) by inserting at the end the following:

‘‘(5) The National Intelligence University shall be retained by the university to defray the costs of such instruction.’’;

(B) in paragraph (3) of subsection (b), by moving the margins of such paragraph 2 ems to the left; and

(C) in subsection (b), by moving the margins of such paragraph 2 ems to the left.

(2) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives a report on the findings of the Secretary with respect to the pilot program. Such report shall include—

(a) a recommendation as to whether the pilot program should be extended.

(b) a recommendation as to whether the pilot program should be extended.

(c) a recommendation as to whether the pilot program should be extended.

(d) a recommendation as to whether the pilot program should be extended.

(e) a recommendation as to whether the pilot program should be extended.

(f) a recommendation as to whether the pilot program should be extended.

(g) a recommendation as to whether the pilot program should be extended.

(h) a recommendation as to whether the pilot program should be extended.

(i) a recommendation as to whether the pilot program should be extended.

(j) a recommendation as to whether the pilot program should be extended.

(k) a recommendation as to whether the pilot program should be extended.

(l) a recommendation as to whether the pilot program should be extended.

(m) a recommendation as to whether the pilot program should be extended.

(n) a recommendation as to whether the pilot program should be extended.

(o) a recommendation as to whether the pilot program should be extended.

(p) a recommendation as to whether the pilot program should be extended.

(q) a recommendation as to whether the pilot program should be extended.

(r) a recommendation as to whether the pilot program should be extended.

(s) a recommendation as to whether the pilot program should be extended.

(t) a recommendation as to whether the pilot program should be extended.

(u) a recommendation as to whether the pilot program should be extended.

(v) a recommendation as to whether the pilot program should be extended.

(w) a recommendation as to whether the pilot program should be extended.

(x) a recommendation as to whether the pilot program should be extended.

(y) a recommendation as to whether the pilot program should be extended.

(z) a recommendation as to whether the pilot program should be extended.

(aa) a recommendation as to whether the pilot program should be extended.

(bb) a recommendation as to whether the pilot program should be extended.

(cc) a recommendation as to whether the pilot program should be extended.

(dd) a recommendation as to whether the pilot program should be extended.

(3) by striking the provisions of paragraphs (1) and (2) of section 113B and inserting the following new provisions:

‘‘Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions.’’.

(4) by striking the items relating to sections 202, 203, 204, 208, 209, 210, 211, 212, 213, and 214, and

(5) by striking the items relating to sections 311 the following new item:

‘‘Sec. 312. Repealing and saving provisions.’’.

(6) by inserting at the end the following:

‘‘(3) The Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives shall submit to the Secretary with respect to the pilot program a report on the number of eligible private sector employees participating in the pilot program. Such report shall include—

(a) a recommendation as to whether the pilot program should be extended.

(b) a recommendation as to whether the pilot program should be extended.

(c) a recommendation as to whether the pilot program should be extended.

(d) a recommendation as to whether the pilot program should be extended.

(e) a recommendation as to whether the pilot program should be extended.

(f) a recommendation as to whether the pilot program should be extended.

(g) a recommendation as to whether the pilot program should be extended.

(h) a recommendation as to whether the pilot program should be extended.

(i) a recommendation as to whether the pilot program should be extended.

(j) a recommendation as to whether the pilot program should be extended.

(k) a recommendation as to whether the pilot program should be extended.

(l) a recommendation as to whether the pilot program should be extended.

(m) a recommendation as to whether the pilot program should be extended.

(n) a recommendation as to whether the pilot program should be extended.

(o) a recommendation as to whether the pilot program should be extended.

(p) a recommendation as to whether the pilot program should be extended.

(q) a recommendation as to whether the pilot program should be extended.

(r) a recommendation as to whether the pilot program should be extended.

(s) a recommendation as to whether the pilot program should be extended.

(t) a recommendation as to whether the pilot program should be extended.

(u) a recommendation as to whether the pilot program should be extended.

(v) a recommendation as to whether the pilot program should be extended.

(w) a recommendation as to whether the pilot program should be extended.

(x) a recommendation as to whether the pilot program should be extended.

(y) a recommendation as to whether the pilot program should be extended.

(z) a recommendation as to whether the pilot program should be extended.

(aa) a recommendation as to whether the pilot program should be extended.

(bb) a recommendation as to whether the pilot program should be extended.

(cc) a recommendation as to whether the pilot program should be extended.

(dd) a recommendation as to whether the pilot program should be extended.

(3) by striking the following:

‘‘Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions.’’.

(4) by striking the provisions of paragraphs (1) and (2) of section 113B and inserting the following new provisions:

‘‘Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions.’’.

(5) by inserting the following new item:

‘‘Sec. 312. Repealing and saving provisions.’’.

(6) by striking the items relating to sections 202, 203, 204, 208, 209, 210, 211, 212, 213, and 214, and

(7) by striking the following:

‘‘Sec. 312. Repealing and saving provisions.’’.
(ii) by moving the margins of subparagraph (B) of such paragraph 2 ems to the left; and
(B) in paragraph (2) of subsection (d), by moving the margins of such paragraph 2 ems to the right; and
(13) in subparagraph (B) of paragraph (3) of subsection (a) of section 504, by moving the margins of such subparagraph 2 ems to the right.

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

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION.—Section 2823(b) of the National Nuclear Security Administration Act (50 U.S.C. 2823(b)) is amended—
(1) by striking “Administration” and inserting “Department of Energy” and
(2) by inserting “Intelligence and” after “the Office of”.
(b) AGENCY ENERGY DEFENSE ACT.—Section 452(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2674(b)(2)) is amended by inserting “Intelligence and” after “The Director of”,
(c) NATIONAL SECURITY ACT OF 1947.—Paragraph (2) of section 106(b) of the National Security Act of 1947 (50 U.S.C. 2423(b)) is amended—
(1) by striking “Administration” and inserting “Department of Energy”,
(2) by striking subparagraph (G), (H), and (J) as subparagraphs (F), (G), and (H), respectively, and
(3) in subparagraph (H), as so redesignated, by redesignating the margin of such subparagraph 2 ems to the left.

SEC. 747. SENSE OF CONGRESS ON NOTIFICATION OF CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.

(a) DEFINITIONS.—In this section:
(1) ADVERSARY FOREIGN GOVERNMENT.—The term “adversary foreign government” means the government of any of the following foreign countries:
(A) North Korea.
(B) Iran.
(C) China.
(D) Russia.
(E) Cuba.
(2) COVERED CLASSIFIED INFORMATION.—The term “covered classified information” means classified information that was—
(A) collected by an element of the intelligence community;
(B) provided by the intelligence service or military of a foreign country to an element of the intelligence community;
(3) ESTABLISHED INTELLIGENCE CHANNELS.—The term “established intelligence channels” means methods to exchange intelligence to coordinate foreign intelligence relationships, as established pursuant to law by the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, or other head of an element of the intelligence community.
(4) INDIVIDUAL IN THE EXECUTIVE BRANCH.—The term “individual in the executive branch” means an official or employee of the executive branch, including individuals—
(A) occupying a position specified in article II of the Constitution;
(B) appointed to a position by an individual described in subparagraph (A); or
(C) serving in the civil service or the Senior Executive Service (or similar service for senior executives of particular departments or agencies).
(b) FINDINGS.—Congress finds that section 502 of the National Security Act of 1947 (50 U.S.C. 3002) requires elements of the intelligence community to keep the congressional intelligence committees “fully and currently informed about all intelligence activities of the United States, and to “furnish to the congressional intelligence committee any information or material concerning intelligence activities * * * which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.”

(c) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) section 502 of the National Security Act of 1947 (50 U.S.C. 3002), together with other intelligence community committees, obligates an element of the intelligence community to submit to the congressional intelligence committees notification, by no later than 10 days after becoming aware, that an individual in the executive branch has disclosed classified information to an official of an adversary foreign government using methods other than established intelligence channels; and
(2) such each notification should include—
(A) the date and place of the disclosure of classified information covered by the notification;
(B) a description of such classified information;
(C) identification of the individual who made such disclosure and the individual to whom such disclosure was made; and
(D) a summary of the circumstances of such disclosure.

SEC. 748. SENSE OF CONGRESS ON CONSIDERATION OF ESPIONAGE ACTIVITIES.

(a) IN GENERAL.—In acquiring geospatial-intelligence services and ticable, the capabilities of United States in-
(b) OBTAINING FUTURE DATA.—The Secretary, in considering whether or not to provide a visa to a foreign individual to be accredited to a United Nations mission in the United States, shall consider—
(1) known and suspected intelligence activities, espionage activities, including ac-

SA 750. Mr. McCONNELL (for Mr. BOOKER (for himself and Mrs. BLACK-BURN)) proposed an amendment to the resolution S. Res. 235, designating June 12, 2019, as “Women Veterans Appreciation Day”; as follows:

The ninth whereas clause of the pre-

SA 751. Mr. PETERS submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize ap-

Section 2823(d) of title 10, United States Code, is amended by striking “$6,000” in each place it appears and inserting “$10,000,000.”

SA 748. Mrs. FEINSTEIN (for herself and Mr. ENZI) submitted an amend-

Mr. ENZI) submitted an amend-

(Sec. 1086. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

SA 749. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize app-

Section 2805(d) of title 10, United States Code, is amended by striking “2019” and inserting “2023”.

SA 745. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize app-

It is the sense of Congress that WikiLeaks and the senior leadership of WikiLeaks re-

It is the sense of Congress that the Secretary of Defense shall lever-

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall authorize the inclusion on the Vietnam Veterans Memorial Wall in the District of Columbia of the names of the soldiers who died on Flying Tiger Flight 739 when it crashed in the Pacific Ocean en route to Vietnam on March 16, 1962.

(b) REQUIRED CONSULTATION.—The Secretary of Defense shall consult with the Secretary of the Interior, the American Battle Monuments Commission, and other applicable authorities with respect to any adjustments to the nomenclature and placement of names pursuant to subsection (a) to address any space limitations on the placement of additional names on the Vietnam Veterans Memorial Wall.

(c) NONAPPLICABILITY OF COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code (known as the “Commemorative Works Act”), shall not apply to any activities carried out under subsection (a) or (b).

SA 752. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 231(d)(2), after subparagraph (D), insert the following:

(E) An assessment of risk when considering foreign sources of foundational research of biotechnology for application by the Department.

SA 753. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection D of title III, add the following:

SEC. 1086. POWERS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION IN PERFORMANCE OF FUNCTIONS.

Section 507(c) of title 51, United States Code, is amended—

(1) by striking “425” and inserting “1325”;

(2) by striking “not in excess of the rate of basic pay payable for level III of the Executive Schedule” and inserting “at a rate that does not exceed the per annum rate of salary of the Vice President of the United States under section 501 of title 5”;

SA 754. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection H of title X, add the following:

SEC. 1086. REPORT ON UNITED STATES CAPABILITIES TO INSTALL, MAINTAIN, AND REPAIR SUBMARINE CABLES.

(a) REPORT REQUIRED.—Not later than November 1, 2019, the Secretary of Transportation shall, in consultation with the appropriate committees of Congress, submit to the appropriate committees of Congress a report on the capabilities of the United States to install, maintain, and repair submarine cables, including Government cables and commercial cables.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the threats to submarine cables,

(2) A description of current United States capabilities to install, maintain, and repair submarine cables described in subsection (a), including Government capabilities and private-sector capabilities,

(3) A description and assessment of any gaps in the capabilities referred to in paragraph (2),

(4) A description and assessment of options to address the gaps referred to in paragraph (3), including the establishment of a program for cable vessels modeled on the Maritime Security Program,

(5) Such recommendations as the Secretary of Transportation considers appropriate in the light of the matters set forth in the report, including if applicable the establishment of a program for cable vessels modeled on the Maritime Security Program,

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate;

(B) the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives;

(2) The term “cable vessel” means any vessel as follows:

(A) A vessel that is classified as a cable ship or cable vessel by, and designed in accordance with the rules of, the American Bureau of Shipping, or another classification society acceptable by the Secretary of Transportation;

(B) Any other vessel that is capable of installing, maintaining, and repairing submarine cables.


AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. Mr. President, I have 8 requests for committees to meet during today’s session of the Senate.

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 18, 2019, at 10:30 a.m., to conduct a hearing on the following nominations: Thomas Peter Feddo, of Virginia, to be Assistant Secretary of the Treasury for Investment Security, Ian Paul Steff, of Indiana, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, Michelle Bowman, of Kansas, to be a Member of the Board of Governors of the Federal Reserve System, Paul Shmotolokha, of Washington, to be First Vice President of the Export-Import Bank of the United States, and Allison Herren Lee, of Colorado, to be a Member of the Securities and Exchange Commission.