SA 813. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 814. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 815. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 816. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 817. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 818. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 819. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 820. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 821. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 822. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 823. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 824. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 825. Mr. CORNYN (for himself and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 826. Mr. TILLIS (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 827. Mr. HAWLEY submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 828. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 829. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 830. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 831. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 832. Ms. MURKOWSKI (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 833. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 834. Mr. PETERS (for himself and 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 835. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 836. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 837. Mr. TOOMEY (for himself, Mr. JONES, and Mrs. 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 838. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 839. Ms. BALDWIN (for herself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 840. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 841. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 803. Mr. KENNEDY 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. _____. ADDITIONAL AMOUNTS FOR ACQUISITION OF A TRANSMISSION ELECTRON MICROSCOPE.

(a) ADDITIONAL AMOUNT FOR ACQUISITION OF A TRANSMISSION ELECTRON MICROSCOPE.—The amount authorized to be appropriated for fiscal year 2020 by section 201 for acquisition of a Transmission Electron Microscope is hereby increased by $5,000,000, with the amount of the increase to be available for Defense Research Sciences (PE 0601102A) for transmission electron microscopy (TEM) use in advanced analyses of materials for biomedical research, micro- and nano-electronics research, advanced manufacturing and materials research and development, superconductivity, and for other purposes.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2020 by section 201 for AF RDT&E is hereby decreased by $5,000,000 for Future Advanced Weapon Analysis & Programs (PE 0604200F).

SA 804. Mr. BOOKER (for himself and Mr. JOHNSON) 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 X, add the following:

Subtitle I—Fair Chance Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Fair Chance to Compete for Jobs Act of 2019'' or the ''Fair Chance Act''.

SEC. 1092. PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER FOR FEDERAL EMPLOYMENT.

(a) IN GENERAL.—Subpart H of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 92—PROHIBITION ON CRIMINAL HISTORY INQUIRIES PRIOR TO CONDITIONAL OFFER

''§ 9201. Definitions

''In this chapter—

''(1) the term 'agency' means 'Executive agency' as such term is defined in section 105 and includes—

''(A) the United States Postal Service and the Postal Regulatory Commission; and

''(B) the Executive Office of the President;

''(2) the term 'appointing authority' means an employee in the executive branch of the Government of the United States that has authority to make appointments to positions in the civil service;

''(3) the term 'conditional offer' means an offer of employment in a position in the civil service that is conditioned upon the results of a criminal history inquiry;

''(4) the term 'criminal history record information'—

''(A) except as provided in subparagraphs (B) and (C), has the meaning given the term in section 9101(a);

''(B) includes any information described in the first sentence of section 9101(a)(2) that has been sealed or expunged pursuant to law; and

''(C) includes information collected by a criminal justice agency, relating to an act or alleged act of juvenile delinquency, that is analogous to criminal history record information (including such information that has been sealed or expunged pursuant to law); and

''(5) the term 'suspension' has the meaning given the term in section 7501.

''§ 9202. Limitations on requests for criminal history record information

''(a) INQUIRIES PRIOR TO CONDITIONAL OFFER.—Except as provided in subsections

(b) and (c), an employee of an agency may not request, in oral or written form (including through the Declaration for Federal Employment (Office of Personnel Management Optional Form 306) or any similar successor form, the USAJOBS internet website, or any other electronic means) that an applicant for an appointment to a position in the civil service disclose criminal history record information regarding the applicant before the appointing authority extends a conditional offer to the applicant.

''(b) OTHERWISE REQUIRED BY LAW.—The prohibition under subsection (a) shall not apply with respect to an applicant for a position in the civil service if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(c) EXCEPTION FOR CERTAIN POSITIONS.—

''(1) IN GENERAL.—The prohibition under subsection (a) shall not apply with respect to an applicant for an appointment to a position—

''(A) that requires a determination of eligibility described in clause (i), (ii), or (iii) of section 9101(b)(1)(A);

''(B) as a Federal law enforcement officer (as defined in section 115(c) of title 18); or

''(C) identified by the Director of the Office of Personnel Management in the regulations issued under paragraph (2).

''(2) REGULATIONS.—

''(A) ISSUANCE.—The Director of the Office of Personnel Management shall issue regulations identifying additional positions with respect to which the prohibition under subsection (a) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(B) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under subparagraph (A) shall—

''(i) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(ii) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''§ 9203. Agency policies; complaint procedures

''The Director of the Office of Personnel Management shall—

''(1) develop, implement, and publish a policy to assist employees of agencies in complying with section 9202 and the regulations issued pursuant to such section; and

''(2) establish and publish procedures under which an applicant for an appointment to a position in the civil service may submit a complaint, or any other information, relating to compliance by an employee of an agency with section 9202.

''§ 9204. Adverse action

''(a) FIRST VIOLATION.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee of an agency has violated section 9202, the Director shall—

''(1) issue to the employee a written warning that includes a description of the violation and the additional penalties that may apply for subsequent violations; and

''(2) file such warning in the employee's official personnel record file.

''(b) SUBSEQUENT VIOLATIONS.—If the Director of the Office of Personnel Management determines, after notice and an opportunity for a hearing on the record, that an employee that was subject to subsection (a) has committed a subsequent violation of section 9202, the Director may take the following action:

''(1) For a second violation, suspension of the employee for a period of not more than 7 days.

''(2) For a third violation, suspension of the employee for a period of more than 7 days.

''(3) For a fourth violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $250.

''(4) For a fifth violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $500.

''(5) For any subsequent violation—

''(A) suspension of the employee for a period of more than 7 days; and

''(B) a civil penalty against the employee in an amount that is not more than $1,000.

''§ 9205. Procedures

''(a) APPEALS.—The Director of the Office of Personnel Management shall by rule establish procedures providing for an appeal from any adverse action taken under section 9204 by not later than 30 days after the date of the action.

''(b) APPLICABILITY OF OTHER LAWS.—An adverse action taken under section 9204 (including a determination in an appeal from such an action under subsection (a) of this section) shall not be subject to—

''(1) the procedures under chapter 75; or

''(2) except as provided in subsection (a) of this section, appeal or judicial review.

''§ 9206. Rules of construction

''Nothing in this chapter may be construed to—

''(1) authorize any officer or employee of an agency to request the disclosure of information described under subparagraphs (B) and (C) of section 9201(4); or

''(2) create a private right of action for any person.''.

(b) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall issue such regulations as are necessary to carry out chapter 92 of title 5, United States Code (as added by this subtitle).

(2) EFFECTIVE DATE.—Section 9202 of title 5, United States Code (as added by this subtitle), shall take effect on the date that is 2 years after the date of enactment of this Act.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 91 the following:

''92. Prohibition on criminal history inquiries prior to conditional offer ..... 9201''.

(d) APPLICATION TO LEGISLATIVE BRANCH.—

(1) IN GENERAL.—The Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended—

(A) in section 102(a) (2 U.S.C. 1302(a)), by adding at the end the following:

''(12) Section 9202 of title 5, United States Code.'';

(B) by redesignating section 207 (2 U.S.C. 1317) as section 208; and

(C) by inserting after section 206 (2 U.S.C. 1316) the following new section:

''SEC. 207. RIGHTS AND PROTECTIONS RELATING TO CRIMINAL HISTORY INQUIRIES.

''(a) DEFINITIONS.—In this section, the terms 'agency', 'criminal history record information', and 'suspension' have the meanings given the terms in section 9201 of title 5, United States Code, except as otherwise modified by this section.

''(b) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an employee of an employing office may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5, United States Code, if made by an employee of an agency.

''(B) CONDITIONAL OFFER.—For purposes of applying that section 9202 under subparagraph (A), a reference in that section 9202 to a conditional offer shall be considered to be an offer of employment as a covered employee that is conditioned upon the results of a criminal history inquiry.

''(2) RULES OF CONSTRUCTION.—The provisions of section 9206 of title 5, United States Code, shall apply to employing offices, consistent with regulations issued under subsection (d).

''(c) REMEDY.—

''(1) IN GENERAL.—The remedy for a violation of subsection (b)(1) shall be such remedy as would be appropriate if awarded under section 9204 of title 5, United States Code, if the violation had been committed by an employee of an agency, consistent with regulations issued under subsection (d), except that the reference in that section to a suspension shall be considered to be a suspension with the level of compensation provided for a covered employee who is taking unpaid leave under section 202.

''(2) PROCESS FOR OBTAINING RELIEF.—An applicant for employment as a covered employee who alleges a violation of subsection (b)(1) may rely on the provisions of title IV (other than section 407 or 408, or a provision of this title that permits a person to obtain a civil action or judicial review), consistent with regulations issued under subsection (d).

''(d) REGULATIONS TO IMPLEMENT SECTION.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2019, the Board shall, pursuant to section 304, issue regulations to implement this section.

''(2) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations issued by the Director of the Office of Personnel Management under section 1092(b)(1) of the Fair Chance to Compete for Jobs Act of 2019 to implement the statutory provisions referred to in subsections (a) through (c) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.

''(e) EFFECTIVE DATE.—Section 102(a)(12) and subsections (a) through (c) shall take effect on the date on which section 9202 of title 5, United States Code, applies with respect to agencies.''.

(2) CLERICAL AMENDMENTS.—

(A) The table of contents in section 1(b) of the Congressional Accountability Act of 1995 (Public Law 104–1; 109 Stat. 3) is amended—

(i) by redesignating the item relating to section 207 as the item relating to section 208; and

(ii) by inserting after the item relating to section 206 the following new item:

''Sec. 207. Rights and protections relating to criminal history inquiries.''.

(B) Section 62(e)(2) of the Internal Revenue Code of 1986 is amended by striking ''or 207'' and inserting ''207, or 208''.

(e) APPLICATION TO JUDICIAL BRANCH.—

(1) IN GENERAL.—Section 604 of title 28, United States Code, is amended by adding at the end the following:

''(i) RESTRICTIONS ON CRIMINAL HISTORY INQUIRIES.—

''(1) DEFINITIONS.—In this subsection—

''(A) the terms 'agency' and 'criminal history record information' have the meanings given those terms in section 9201 of title 5;

''(B) the term 'covered employee' means an employee of the judicial branch of the United States Government, other than—

''(i) any judge or justice who is entitled to hold office during good behavior;

''(ii) a United States magistrate judge; or

''(iii) a bankruptcy judge; and

''(C) the term 'employing office' means any office or entity of the judicial branch of the United States Government that employs covered employees.

''(2) RESTRICTION.—A covered employee may not request that an applicant for employment as a covered employee disclose criminal history record information if the request would be prohibited under section 9202 of title 5 if made by an employee of an agency.

''(3) EMPLOYING OFFICE POLICIES; COMPLAINT PROCEDURE.—The provisions of sections 9203 and 9206 of title 5 shall apply to employing offices and to applicants for employment as covered employees, consistent with regulations issued by the Director to implement this subsection.

''(4) ADVERSE ACTION.—

''(A) ADVERSE ACTION.—The Director may take such adverse action with respect to a covered employee who violates paragraph (2) as would be appropriate under section 9204 of title 5 if the violation had been committed by an employee of an agency.

''(B) APPEALS.—The Director shall by rule establish procedures providing for an appeal from any adverse action taken under subparagraph (A) by not later than 30 days after the date of the action.

''(C) APPLICABILITY OF OTHER LAWS.—Except as provided in subparagraph (B), an adverse action taken under subparagraph (A) (including a determination in an appeal from such an action under subparagraph (B)) shall not be subject to appeal or judicial review.

''(5) REGULATIONS TO BE ISSUED.—

''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2019, the Director shall issue regulations to implement this subsection.

''(B) PARALLEL WITH AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Director of the Office of Personnel Management under section 1092(b)(1) of the Fair Chance to Compete for Jobs Act of 2019 except to the extent that the Director of the Administrative Office of the United States Courts may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

''(6) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the date on which section 9202 of title 5 applies with respect to agencies.''.

SEC. 1093. PROHIBITION ON CRIMINAL HISTORY INQUIRIES BY CONTRACTORS PRIOR TO CONDITIONAL OFFER.

(a) CIVILIAN AGENCY CONTRACTS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 4714. Prohibition on criminal history inquiries by contractors prior to conditional offer

''(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an executive agency—

''(A) may not require that an individual or sole proprietor who submits a bid for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee; and

''(B) shall require, as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally, or through written form, request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before the contractor extends a conditional offer to the applicant.

''(2) OTHERWISE REQUIRED BY LAW.—The prohibition under paragraph (1) does not apply with respect to a contract if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(3) EXCEPTION FOR CERTAIN POSITIONS.—

''(A) IN GENERAL.—The prohibition under paragraph (1) does not apply with respect to—

''(i) a contract that requires an individual hired under the contract to access classified information or to have sensitive law enforcement or national security duties; or

''(ii) a position that the Administrator of General Services identifies under the regulations issued under subparagraph (B).

''(B) REGULATIONS.—

''(i) ISSUANCE.—Not later than 16 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2019, the Administrator of General Services, in consultation with the Secretary of Defense, shall issue regulations identifying additional positions with respect to which the prohibition under paragraph (1) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(ii) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under clause (i) shall—

''(I) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(II) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''(b) COMPLAINT PROCEDURES.—The Administrator of General Services shall establish and publish procedures under which an applicant for a position with a Federal contractor may submit to the Administrator a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(c) ACTION FOR VIOLATIONS OF PROHIBITION ON CRIMINAL HISTORY INQUIRIES.—

''(1) FIRST VIOLATION.—If the head of an executive agency determines that a contractor has violated subsection (a)(1)(B), such head shall—

''(A) notify the contractor;

''(B) provide 30 days after such notification for the contractor to appeal the determination; and

''(C) issue a written warning to the contractor that includes a description of the violation and the additional remedies that may apply for subsequent violations.

''(2) SUBSEQUENT VIOLATION.—If the head of an executive agency determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), such head shall notify the contractor, shall provide 30 days after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor's history of violations, including—

''(A) providing written guidance to the contractor that the contractor's eligibility for contracts requires compliance with this section;

''(B) requiring that the contractor respond within 30 days affirming that the contractor is taking steps to comply with this section; and

''(C) suspending payment under the contract for which the applicant was being considered until the contractor demonstrates compliance with this section.

''(d) DEFINITIONS.—In this section:

''(1) CONDITIONAL OFFER.—The term 'conditional offer' means an offer of employment for a position related to work under a contract that is conditioned upon the results of a criminal history inquiry.

''(2) CRIMINAL HISTORY RECORD INFORMATION.—The term 'criminal history record information' has the meaning given that term in section 9201 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 41, United States Code, is amended by adding at the end the following new item:

''4714. Prohibition on criminal history inquiries by contractors prior to conditional offer.''.

(3) EFFECTIVE DATE.—Section 4714 of title 41, United States Code, as added by paragraph (1), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in section 1092(b)(2) of this subtitle.

(b) DEFENSE CONTRACTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2338 the following new section:

''§ 2339. Prohibition on criminal history inquiries by contractors prior to conditional offer

''(a) LIMITATION ON CRIMINAL HISTORY INQUIRIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the head of an agency—

''(A) may not require that an individual or sole proprietor who submits a bid for a contract to disclose criminal history record information regarding that individual or sole proprietor before determining the apparent awardee; and

''(B) shall require as a condition of receiving a Federal contract and receiving payments under such contract that the contractor may not verbally or through written form request the disclosure of criminal history record information regarding an applicant for a position related to work under such contract before such contractor extends a conditional offer to the applicant.

''(2) OTHERWISE REQUIRED BY LAW.—The prohibition under paragraph (1) does not apply with respect to a contract if consideration of criminal history record information prior to a conditional offer with respect to the position is otherwise required by law.

''(3) EXCEPTION FOR CERTAIN POSITIONS.—

''(A) IN GENERAL.—The prohibition under paragraph (1) does not apply with respect to—

''(i) a contract that requires an individual hired under the contract to access classified information or to have sensitive law enforcement or national security duties; or

''(ii) a position that the Secretary of Defense identifies under the regulations issued under subparagraph (B).

''(B) REGULATIONS.—

''(i) ISSUANCE.—Not later than 16 months after the date of enactment of the Fair Chance to Compete for Jobs Act of 2019, the Secretary of Defense, in consultation with

the Administrator of General Services, shall issue regulations identifying additional positions with respect to which the prohibition under paragraph (1) shall not apply, giving due consideration to positions that involve interaction with minors, access to sensitive information, or managing financial transactions.

''(ii) COMPLIANCE WITH CIVIL RIGHTS LAWS.—The regulations issued under clause (i) shall—

''(I) be consistent with, and in no way supersede, restrict, or limit the application of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or other relevant Federal civil rights laws; and

''(II) ensure that all hiring activities conducted pursuant to the regulations are conducted in a manner consistent with relevant Federal civil rights laws.

''(b) COMPLAINT PROCEDURES.—The Secretary of Defense shall establish and publish procedures under which an applicant for a position with a Department of Defense contractor may submit a complaint, or any other information, relating to compliance by the contractor with subsection (a)(1)(B).

''(c) ACTION FOR VIOLATIONS OF PROHIBITION ON CRIMINAL HISTORY INQUIRIES.—

''(1) FIRST VIOLATION.—If the Secretary of Defense determines that a contractor has violated subsection (a)(1)(B), the Secretary shall—

''(A) notify the contractor;

''(B) provide 30 days after such notification for the contractor to appeal the determination; and

''(C) issue a written warning to the contractor that includes a description of the violation and the additional remedies that may apply for subsequent violations.

''(2) SUBSEQUENT VIOLATIONS.—If the Secretary of Defense determines that a contractor that was subject to paragraph (1) has committed a subsequent violation of subsection (a)(1)(B), the Secretary shall notify the contractor, shall provide 30 days after such notification for the contractor to appeal the determination, and, in consultation with the relevant Federal agencies, may take actions, depending on the severity of the infraction and the contractor's history of violations, including—

''(A) providing written guidance to the contractor that the contractor's eligibility for contracts requires compliance with this section;

''(B) requiring that the contractor respond within 30 days affirming that the contractor is taking steps to comply with this section; and

''(C) suspending payment under the contract for which the applicant was being considered until the contractor demonstrates compliance with this section.

''(d) DEFINITIONS.—In this section:

''(1) CONDITIONAL OFFER.—The term 'conditional offer' means an offer of employment for a position related to work under a contract that is conditioned upon the results of a criminal history inquiry.

''(2) CRIMINAL HISTORY RECORD INFORMATION.—The term 'criminal history record information' has the meaning given that term in section 9201 of title 5.''.

(2) EFFECTIVE DATE.—Section 2339(a) of title 10, United States Code, as added by paragraph (1), shall apply with respect to contracts awarded pursuant to solicitations issued after the effective date described in section 1092(b)(2) of this subtitle.

(3) CLERICAL AMENDMENT.—The table of sections for chapter 137 of title 10, United States Code, is amended by inserting after the item relating to section 2338 the following new item:

''2339. Prohibition on criminal history inquiries by contractors prior to conditional offer.''.

(c) REVISIONS TO FEDERAL ACQUISITION REGULATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation to implement section 4714 of title 41, United States Code, and section 2339 of title 10, United States Code, as added by this section.

(2) CONSISTENCY WITH OFFICE OF PERSONNEL MANAGEMENT REGULATIONS.—The Federal Acquisition Regulatory Council shall revise the Federal Acquisition Regulation under paragraph (1) to be consistent with the regulations issued by the Director of the Office of Personnel Management under section 1092(b)(1) to the maximum extent practicable. The Council shall include together with such revision an explanation of any substantive modification of the Office of Personnel Management regulations, including an explanation of how such modification will more effectively implement the rights and protections under this section.

SEC. 1094. REPORT ON EMPLOYMENT OF INDIVIDUALS FORMERLY INCARCERATED IN FEDERAL PRISONS.

(a) DEFINITION.—In this section, the term ''covered individual''—

(1) means an individual who has completed a term of imprisonment in a Federal prison for a Federal criminal offense; and

(2) does not include an alien who is or will be removed from the United States for a violation of the immigration laws (as such term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(b) STUDY AND REPORT REQUIRED.—The Director of the Bureau of Justice Statistics, in coordination with the Director of the Bureau of the Census, shall—

(1) not later than 180 days after the date of enactment of this Act, design and initiate a study on the employment of covered individuals after their release from Federal prison, including by collecting—

(A) demographic data on covered individuals, including race, age, and sex; and

(B) data on employment and earnings of covered individuals who are denied employment, including the reasons for the denials; and

(2) not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, submit a report that does not include any personally identifiable information on the study conducted under paragraph (1) to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Oversight and Reform of the House of Representatives; and

(D) the Committee on Education and Labor of the House of Representatives.

SA 805. 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 part II of subtitle F of title V, add the following:

SEC. 582. EXPANSION OF ELIGIBILITY FOR THE MY CAREER ADVANCEMENT ACCOUNT PROGRAM TO CERTAIN MILITARY SPOUSES.

(a) ELIGIBILITY FOR PARTICIPANTS WHOSE SPOUSES RECEIVE PROMOTIONS.—Beginning on October 1, 2020, a military spouse who is participating in the My Career Advancement Account program of the Department of Defense (in this section referred to as the ''Program'') may not become ineligible for the Program solely because the member of the Armed Forces to whom the military spouse is married receives a promotion in grade.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Program.

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

(A) An assessment of employment rates for military spouses that identifies—

(i) the career fields most military spouses frequently pursue; and

(ii) the extent to which such rates may be improved by expanding the Program to include reimbursements for licensing reciprocity.

(B) An assessment of costs required to expand the Program as described in subparagraph (A)(ii).

(c) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2021 for the Department of Defense for operation and maintenance, Defense-wide, not more than $5,000,000 may be available for the purposes of this section.

SA 806. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PLAN ON ADVANCEMENT OF FUNDAMENTAL HYPERSONIC SCIENCE AND TECHNOLOGY ACTIVITIES.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to advance fundamental hypersonic science and technology activities.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include the following:

(1) Identification of high priority hypersonics basic research efforts and fundamental research challenges of the Department of Defense.

(2) Identification of organizations designated to fund university hypersonic research.

(3) A plan for partnerships with universities on matters relating to the advancement of fundamental hypersonic science and technology research and development, including by establishing a consortium of research universities.

(4) Development of a strategy for using university expertise to support workforce development, acquisition program oversight, and basic research activities.

(5) Options for university experts to work in Department labs and test centers on hypersonics.

SA 807. Ms. STABENOW (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII of the amendment, add the following:

SEC. 811. GUIDANCE ON BUY AMERICAN ACT AND BERRY AMENDMENT REQUIREMENTS.

(a) BUY AMERICAN ACT GUIDANCE.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of Defense Pricing/Defense Procurement Acquisition Policy shall review, and if necessary update, and issue guidance to Department of Defense contracting officials on requirements related to chapter 83 of title 41, United States Code (commonly referred to as the ''Buy American Act''). The guidance shall reflect any Department actions taken in response to the April 18, 2017, Executive Order No. 13788, ''Buy American and Hire American'' and in response to the recommendations of the Department of Defense Inspector General report entitled ''Summary Report of DoD Compliance With the Berry Amendment and the Buy American Act''.

(2) ELEMENTS.—The guidance issued under paragraph (1) shall cover—

(A) the requirement to incorporate and enforce the Buy American Act 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.

(b) BERRY AMENDMENT GUIDANCE.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of Defense Pricing/Defense Procurement Acquisition Policy shall review, and if necessary update, and issue guidance to Department of Defense contracting officials on requirements related to section 2533a of title 10, United States Code (commonly referred to as the ''Berry Amendment'').

(2) ELEMENTS.—The guidance issued under paragraph (1) shall cover—

(A) the requirement to incorporate and enforce the Berry Amendment in applicable solicitations and contracts; and

(B) the requirements of the Berry Amendment, such as inclusion of clauses, into the electronic contract writing systems used by the military departments and the Defense Logistics Agency.

(c) BRIEFING ON ACTIVITIES.—Not later than March 1, 2020, the Secretary of Defense shall brief the congressional defense committees on activities undertaken pursuant to this section.

SA 808. Mr. GRASSLEY (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII of the amendment, add the following:

SEC. 811. REPORT ON CONTRACTOR DENIAL OF COST OR PRICING DATA REQUESTS.

Not later than December 31, 2020, and annually thereafter, the Under Secretary of Defense for Acquisition and Sustainment shall submit to Congress a report summarizing each case in which a contractor refused a request from the contracting officer for uncertified cost or pricing data.

SA 809. Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. POLICY WITH RESPECT TO EXPANSION OF COOPERATION WITH ALLIES AND PARTNERS IN THE INDO-PACIFIC REGION AND EUROPE REGARDING THE PEOPLE'S REPUBLIC OF CHINA.

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

(1) Congress supports the finding on the People's Republic of China articulated in the 2018 National Defense Strategy and the 2017 National Security Strategy.

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

(3) 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 will continue to pursue a military modernization program that seeks Indo-Pacific regional hegemony in the near-term and displacement of the United States to achieve global preeminence in the future.

(4) The most far-reaching 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.

(5) The People's Republic of China uses economic inducements and penalties, influence operations, and implied military threats to persuade other countries to heed the political and security agenda of the People's Republic of China.

(6) United States allies and partners are critical to effective competition with the People's Republic of China.

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

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

(2) to develop, in collaboration with such allies and partners, a unified approach to addressing and deterring significant diplomatic, economic, and military challenges posed by the People's Republic of China.

SA 810. Mr. TOOMEY (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1290. EXCLUSION OF IMPOSITION OF DUTIES AND IMPORT QUOTAS FROM PRESIDENTIAL AUTHORITIES UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c)(1) The authority granted to the President by this section does not include the authority to impose duties or tariff-rate quotas or (subject to paragraph (2)) other quotas on articles entering the United States.

''(2) The limitation under paragraph (1) does not prohibit the President from excluding all articles, or all of a certain type of article, imported from a country from entering the United States.''.

SA 811. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1290. UNITED STATES PROPORTIONAL FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

The financial contributions of the United States to the United Nations shall be proportional to the number of member countries of the United Nations.

SA 812. 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 end of subtitle G of title XII, add the following:

SEC. 1290. UNITED STATES PROPORTIONAL FINANCIAL CONTRIBUTIONS TO NATO.

The financial contributions of the United States to the North Atlantic Treaty Organization shall be proportional to the number of member countries of the North Atlantic Treaty Organization.

SA 813. Mr. BOOZMAN submitted an amendment intended to be proposed to

amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 342. REPORT ON UTILIZATION OF 24TH TACTICAL AIR SUPPORT SQUADRON.

(a) IN GENERAL.—Not later than December 1, 2019, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the utilization of the 24th Tactical Air Support Squadron and the sortie allocation to training in close air support.

(b) SENSE OF CONGRESS.—Due to limited fighter and bomber aircraft availability, it is the sense of Congress that the Secretary of the Air Force should utilize additional contract close air support in fiscal year 2020 to meet the growing training requirements for Joint Terminal Attack Controllers in the Air Force, including the reserve components.

SA 814. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Section 5211 is amended to read as follows:

SEC. 5211. DEVELOPMENT AND ACQUISITION STRATEGY TO PROCURE SECURE, LOW PROBABILITY OF DETECTION DATA LINK NETWORK CAPABILITY.

The text of subsections (a) through (c) of section 211 are hereby deemed to read as follows:

''(a) STRATEGY REQUIRED.—Not later than April 1, 2020, the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Chief of Staff of the Army shall jointly submit to the congressional defense committees a joint development and acquisition strategy to procure a secure, low probability of detection data link network capability, with the ability to effectively operate in hostile jamming environments while preserving the low observability characteristics of the relevant platforms, including both existing and planned platforms.

''(b) NETWORK CHARACTERISTICS.—The data link network capability to be procured pursuant to the development and acquisition strategy submitted under subsection (a) shall—

''(1) ensure that any network made with such capability will be low risk and affordable, with minimal impact or change to existing host platforms and minimal overall integration costs;

''(2) use a non-proprietary and open systems approach compatible with the Rapid Capabilities Office Open Mission Systems initiative of the Air Force and the Future Airborne Capability Environment initiative of the Navy; and

''(3) provide for an architecture to connect, with operationally relevant throughput and latency—

''(A) fifth-generation combat aircraft;

''(B) fifth-generation and fourth-generation combat aircraft;

''(C) fifth-generation and fourth-generation combat aircraft and appropriate support aircraft and other network nodes for command, control, communications, intelligence, surveillance, and reconnaissance purposes; and

''(D) fifth-generation and fourth-generation combat aircraft and their associated network-enabled precision weapons.

''(c) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for operations and maintenance for the Office of the Secretary of the Air Force, for operations and maintenance for the Office of the Secretary of the Navy, and for operations and maintenance for the Office of the Secretary of the Army, not more than 75 percent may be obligated or expended until the date that is 15 days after the date on which the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Chief of Staff of the Army submit the development and acquisition strategy required by subsection (a).''.

SA 815. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____. FEES ERRONEOUSLY COLLECTED BY DEPARTMENT OF VETERANS AFFAIRS FOR HOUSING LOANS.

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

(1) The Department of Veterans Affairs offers a Department backed home loan for which veterans are generally required to pay fees to defray the cost of administering the home loan.

(2) Veterans are exempt from paying the fees if they are entitled to receive disability compensation from the Department of Veterans Affairs.

(3) Between January 1, 2012, and December 31, 2017, veterans paid fees of more than $286,000,000 in association with Department backed home loans despite being exempt from such fees. Fees paid included $65,800,000 in fees that could have been avoided.

(4) Of those erroneously paid fees, $189,000,000 in fee refunds are still due to veterans.

(5) More than 70,000 veterans may have been affected by these erroneously paid fees.

(b) REFUNDS OF ERRONEOUSLY COLLECTED FEES.—Section 3729(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary shall develop a process for determining whether a fee has been collected under this section from a veteran described in paragraph (1).

''(B) If the Secretary determines that a fee was collected under this section from an veteran described in paragraph (1), the Secretary pay to such veteran an amount equal to the amount of the fee collected.

''(C) Notwithstanding any other provision of law, a payment under this paragraph shall not be subject to Federal, State, or other tax liability or reporting requirement.

''(D) A payment under subparagraph (B) shall be made directly to a veteran, notwithstanding any current loan balance of the veteran or the manner in which the fee was originally collected.

''(4)(A) The Secretary shall develop an automated process for refunding fees under paragraph (3)(B).

''(B) For any individual identified under the process developed under subparagraph (A), the Secretary shall process the refund without requiring further request.''.

(c) PLAN TO IDENTIFY INDIVIDUALS WHO WERE ERRONEOUSLY CHARGED FEES.—

(1) ERRONEOUS CHARGES JANUARY 1, 2012, TO DECEMBER 31, 2017.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to identify veterans described in subsection (c)(1) of section 3729 of title 38, United States Code, from whom a fee was collected under such section during the period beginning on January 1, 2012, and ending on December 31, 2017.

(B) CONTENTS.—The plan submitted under paragraph (1) shall include the following:

(i) The number of veterans who may be due a refund of the fee.

(ii) A timeline for the refunding of fees.

(2) ERRONEOUS CHARGES BEFORE JANUARY 1, 2012.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to identify veterans described in subsection (c)(1) of section 3729 of title 38, United States Code, from whom a fee was collected under such section before January 1, 2012.

(B) CONTENTS.—The plan submitted under paragraph (1) shall include the following:

(i) The number of veterans who may be due a refund of the fee.

(ii) A timeline for the refunding of fees.

(d) PLAN TO PROCESS REFUNDS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop a plan to process refunds of fees that were collected under section 3729 of title 38, United States Code, from individuals described in subsection (c)(1) of such section.

(e) ANNUAL REPORT ON REFUNDS.—

(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall submit to Congress an annual report on refunds of fees collected under section 3729 of title 38, United States Code.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include, for the period covered by the report:

(A) The number of fees collected under such section that were refunded and applied to a home loan balance.

(B) The number of such refunds for which the Secretary received documentation of the application of a refund to a home loan balance.

(f) ACCURACY OF CERTIFICATES OF ELIGIBILITY.—

(1) IN GENERAL.—The Secretary shall update such policies as may be necessary to ensure that certificates of eligibility are accurate at the time they are used for the purposes of determining eligibility for housing loans guaranteed, insured, or made under chapter 37 of title 38, United States Code, and for pursues of determining eligibility for exemption from the collection of fees under section 3729 of such title.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the solution developed under paragraph (1).

(g) AUDIT PLAN.—

(1) PLAN REQUIRED.—The Secretary shall develop a plan to audit the Department on an annual basis to determine the rate at which fees are erroneously collected under section 3729 of title 38, United States Code.

(2) REPORTS.—Not later than 60 days after the completion of any audit conducted pursuant to the plan developed under paragraph (1), the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the audit.

SA 816. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEFINITION OF EMPLOYER UNDER NATIONAL LABOR RELATIONS ACT.

Section 2 of the National Labor Relations Act (29 U.S.C. 152) is amended—

(1) in paragraph (2), by inserting ''or any Indian Tribe, or any enterprise or institution owned and operated by an Indian Tribe and located on its Indian lands,'' after ''subdivision thereof,''; and

(2) by adding at the end the following:

''(15) The term 'Indian Tribe' means any Indian Tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(16) The term 'Indian' means any individual who is a member of an Indian Tribe.

''(17) The term 'Indian lands' means—

''(A) all lands within the limits of any Indian reservation;

''(B) any lands title to which is either held in trust by the United States for the benefit of any Indian Tribe or Indian or held by any Indian Tribe or Indian subject to restriction by the United States against alienation; and

''(C) any lands in the State of Oklahoma that are within the boundaries of a former reservation (as defined by the Secretary of the Interior) of a federally recognized Indian Tribe.''.

SA 817. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1025.

SA 818. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1025 and insert the following:

SEC. 1025. SENSE OF SENATE ON TRANSFER OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES TEMPORARILY FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.

(a) IN GENERAL.—It is the sense of the Senate that the Secretary of Defense could temporarily transfer an individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of providing the individual medical treatment if the Secretary determines that—

(1) the medical treatment of the individual is necessary to prevent death or imminent significant injury or harm to the health of the individual;

(2) the necessary medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs; and

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which the individual is temporarily in the United States pursuant to such transfer.

(b) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

SA 819. Mr. BROWN 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. _____. REDESIGNATION OF THE COMMANDANT OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY AS THE DIRECTOR AND CHANCELLOR OF THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) IN GENERAL.—Section 9414b of title 10, United States Code, is amended by striking ''Commandant'' each place it appears and inserting ''Director and Chancellor''.

(b) REFERENCES.—Any references in any law, regulations, map, document, paper or other record of the United States to the Commandant of the United States Air Force Institute of Technology shall be deemed to be reference to the Director and Chancellor of the United States Air Force Institute of Technology.

SA 820. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PILOT PROGRAM TO IMPROVE PUBLIC-PRIVATE CYBERSECURITY OPERATIONAL COLLABORATION.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate congressional committees and leadership'' means—

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

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

(2) the term ''appropriate Federal agencies'' means—

(A) the Department of Homeland Security; and

(B) any other agency, as determined by the Secretary;

(3) the term ''collaboration effort'' means an effort undertaken by the appropriate Federal agencies and 1 or more non-Federal entities under the pilot program in order to carry out the purpose of the pilot program;

(4) the term ''critical infrastructure'' has the meaning given that term in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195c(e));

(5) the term ''cybersecurity provider'' means a non-Federal entity that provides cybersecurity services to another non-Federal entity;

(6) the term ''cybersecurity threat'' means a cybersecurity threat, as defined in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501), that affects—

(A) the national security of the United States; or

(B) critical infrastructure in the United States;

(7) the term ''malicious cyber actor'' means an entity that poses a cybersecurity threat;

(8) the term ''non-Federal entity'' has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501); and

(9) the term ''Secretary'' means the Secretary of Homeland Security.

(b) ESTABLISHMENT; PURPOSE.—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, may establish a pilot program under which the appropriate Federal agencies, as coordinated and facilitated by the Secretary, may identify and partner with cybersecurity organizations capable of enabling information sharing of cybersecurity threats among cybersecurity providers in order to coordinate and magnify Federal and non-Federal efforts to prevent or disrupt cybersecurity threats or malicious cyber actors, by, as appropriate—

(1) sharing information relating to potential actions by the Federal Government against cybersecurity threats or malicious cyber actors with non-Federal entities; and

(2) facilitating coordination between the appropriate Federal agencies and non-Federal entities relating to cybersecurity threats or malicious cyber actors.

(c) PARTICIPATION.—

(1) IN GENERAL.—The heads of other Federal departments and agencies may choose to participate in the pilot program on a voluntary basis.

(2) IMPACT ON OTHER INFORMATION SHARING ARRANGEMENTS.—Implementation of the pilot program shall not adversely impact the operations of the Federal cyber security centers or any other information sharing arrangements between a Federal department or agency and a private sector entity entered into before or after the date of enactment of this Act.

(d) FEDERAL COORDINATION.—The Secretary shall facilitate all Federal coordination, planning, and action relating to the pilot program.

(e) 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) a statement of—

(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 likely to engage in, 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

(ii) a description of how each appropriate Federal agency and each non-Federal entity that participated in the collaboration effort collaborated in carrying out the collaboration effort; and

(C) a description of—

(i) the ways in which the collaboration efforts carried out during the year—

(I) were successful; and

(II) could have been improved; and

(ii) how the Secretary will improve collaboration efforts carried out on or after the date on which the report is submitted.

(2) FORM.—Any report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(f) TERMINATION.—The pilot program shall terminate on the date that is 3 years after the date of enactment of this Act.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(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 821. Mr. KENNEDY 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. _____. ADDITIONAL AMOUNT FOR ACQUISITION OF A TRANSMISSION ELECTRON MICROSCOPE.

(a) ADDITIONAL AMOUNT.—

(1) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2020 by section 201 for research, development, test, and evaluation is hereby increased by $5,000,000, with the amount of the increase to be available for Defense Research Sciences (PE 0601102A).

(2) AVAILABILITY.—The amount available under paragraph (1) shall be available for transmission electron microscopy equipment and research to support the following:

(A) Advanced analyses of materials for biomedical research.

(B) Micro- and nano-electronics research.

(C) Advanced manufacturing and materials research and development.

(D) Superconductivity research.

(E) For such other matters as the Secretary of Defense considers appropriate.

(b) OFFSET.—The amount authorized to be appropriated for fiscal year 2020 by section 201 for research, development, test, and evaluation is hereby decreased by $5,000,000, with the amount of the decrease to be taken from amounts made available for Future Advanced Weapon Analysis & Programs (PE 0604200F).

SA 822. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORTING REQUIREMENT.

(a) IN GENERAL.—Section 7131 of title 5, United States Code, is amended by adding at the end the following:

''(e)(1)(A) Not later than March 31 of each calendar year, the Office of Personnel Management, in consultation with the Office of Management and Budget, shall submit to each House of Congress a report on the operation of this section during the fiscal year last ending before the start of such calendar year.

''(B) Not later than December 31 of each calendar year, each agency (as defined by section 7103(a)(3)) shall furnish to the Office of Personnel Management the information which such Office requires, with respect to such agency, for purposes of the report which is next due under subparagraph (A).

''(2) Each report by the Office of Personnel Management under this subsection shall include, with respect to the fiscal year described in paragraph (1)(A), at least the following information:

''(A) The total amount of official time granted to employees.

''(B) The average amount of official time expended per bargaining unit employee.

''(C) The specific types of activities or purposes for which official time was granted, and the impact which the granting of such official time for such activities or purposes had on agency operations.

''(D) The total number of employees to whom official time was granted, and, of that total, the number who were not engaged in any activities or purposes except activities or purposes involving the use of official time.

''(E) The total amount of compensation (including fringe benefits) afforded to employees in connection with activities or purposes for which they were granted official time.

''(F) The total amount of official time spent by employees representing Federal employees who are not union members in matters authorized by this chapter.

''(G) A description of any room or space designated at the agency (or its subcomponent) where official time activities will be conducted, including the square footage of any such room or space.

''(3) All information included in a report by the Office of Personnel Management under this subsection with respect to a fiscal year—

''(A) shall be shown both agency-by-agency and for all agencies; and

''(B) shall be accompanied by the corresponding information (submitted by the Office in its report under this subsection) for the fiscal year before the fiscal year to which such report pertains, together with appropriate comparisons and analyses.

''(4) For purposes of this subsection, the term 'official time' means any period of time, regardless of agency nomenclature—

''(A) which may be granted to an employee under this chapter (including a collective bargaining agreement entered into under this chapter) to perform representational or consultative functions; and

''(B) during which the employee would otherwise be in a duty status.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective beginning with the report which, under the provisions of such amendment, is first required to be submitted by the Office of Personnel Management to each House of Congress by a date which occurs at least 6 months after the date of the enactment of this Act.

SA 823. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1086. AMENDMENTS TO THE SOAR ACT.

(a) SHORT TITLE.—This section may be cited as the ''SOAR Reauthorization Act of 2019''.

(b) AMENDMENTS TO SOAR.—The Scholarships for Opportunity and Results Act (division C of Public Law 112–10) is amended—

(1) in section 3007 (sec. 38–1853.07 D.C. Official Code)—

(A) by striking subsection (c) and redesignating subsection (d) as subsection (c);

(B) in subsection (b)—

(i) in the subsection heading, by striking ''AND PARENTAL ASSISTANCE'' and inserting '', PARENTAL ASSISTANCE, AND STUDENT ACADEMIC ASSISTANCE'';

(ii) in the matter preceding clause (i), by striking ''$2,000,000'' and inserting ''$2,200,000''; and

(iii) by adding at the end the following:

''(3) The expenses of providing tutoring service to participating eligible students that need additional academic assistance. If there are insufficient funds to provide tutoring services to all such students in a year, the eligible entity shall give priority in such

year to students who previously attended an elementary school or secondary school identified as one of the lowest-performing schools under the District of Columbia's accountability system.''; and

(C) in subsection (c), as redesignated by subparagraph (A)—

(i) in paragraph (2)(B), by striking ''subsections (b) and (c)'' and inserting ''subsection (b)''; and

(ii) in paragraph (3), by striking ''subsections (b) and (c)'' and inserting ''subsection (b)'';

(2) in section 3008(h) (sec. 38–1853.08 D.C. Official Code)—

(A) in paragraph (1), by striking ''section 3009(a)(2)(A)(i)'' and inserting ''section 3009(a)'';

(B) by striking paragraph (2) and inserting the following:

''(2) The Institute of Education Sciences may administer assessments to students participating in the evaluation under section 3009(a) for the purpose of conducting the evaluation under such section.''; and

(C) in paragraph (3), by striking ''the nationally norm-referenced standardized test described in paragraph (2)'' and inserting ''a nationally norm-referenced standardized test'';

(3) in section 3009(a) (sec. 38–1853.09 D.C. Official Code)—

(A) in paragraph (1)(A), by striking ''annually'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

''(i) is rigorous; and''; and

(ii) in subparagraph (B), by striking ''impact of the program'' and all that follows through the end of the subparagraph and inserting ''impact of the program on academic achievement and educational attainment.'';

(C) in paragraph (3)—

(i) in the paragraph heading, by striking ''ON EDUCATION'' and inserting ''OF EDUCATION'';

(ii) in subparagraph (A)—

(I) by inserting ''the academic progress of'' after ''assess''; and

(II) by striking ''in each of grades 3'' and all that follows through the end of the subparagraph and inserting ''; and'';

(iii) by striking subparagraph (B); and

(iv) by redesignating subparagraph (C) as subparagraph (B); and

(D) in paragraph (4)—

(i) in subparagraph (A), by striking ''A comparison of the academic achievement of participating eligible students who use an opportunity scholarship on the measurements described in paragraph (3)(B) to the academic achievement'' and inserting ''The academic progress of participating eligible students who use an opportunity scholarship compared to the academic progress'';

(ii) in subparagraph (B), by striking ''increasing the satisfaction of such parents and students with their choice'' and inserting ''those parents' and students' satisfaction with the program''; and

(iii) by striking subparagraph (D) through (F) and inserting the following:

''(D) The high school graduation rates, college enrollment rates, college persistence rates, and college graduation rates of participating eligible students who use an opportunity scholarship compared with the rates of public school students described in subparagraph (A), to the extent practicable.

''(E) The college enrollment rates, college persistence rates, and college graduation rates of students who participated in the program as the result of winning the Opportunity Scholarship Program lottery compared to the enrollment, persistence, and graduation rates for students who entered but did not win such lottery and who, as a result, served as the control group for previous evaluations of the program under this division. Nothing in this subparagraph may be construed to waive section 3004(a)(3)(A)(iii) with respect to any such student.

''(F) The safety of the schools attended by participating eligible students who use an opportunity scholarship compared with the schools in the District of Columbia attended by public school students described in subparagraph (A), to the extent practicable.''; and

(4) in section 3014(a) (sec. 38–1853.14, D.C. Official Code), by striking ''fiscal year 2019'' and inserting ''fiscal year 2024''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect on September 30, 2019.

SA 824. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LEVERAGING COMMERCIAL SATELLITE REMOTE SENSING.

(a) IN GENERAL.—In acquiring geospatial-intelligence, the Secretary of Defense shall leverage, to the maximum extent practicable, the capabilities of United States industry, including through the use of commercial geospatial-intelligence services and acquisition of commercial satellite imagery.

(b) OBTAINING FUTURE DATA.—The Secretary, as part of an analysis of alternatives for the future acquisition of Department of Defense space systems for geospatial-intelligence, shall—

(1) consider whether there is a suitable, cost-effective, commercial capability available that can meet any or all of the Department's requirements;

(2) if a suitable, cost-effective, commercial capability is available as described in paragraph (1), determine whether it is in the national interest to develop a governmental space system; and

(3) include, as part of the established acquisition reporting requirements to the appropriate committees of Congress, any determination made under paragraphs (1) and (2).

(c) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional defense committees;

(2) the Select Committee on Intelligence of the Senate; and

(3) the Permanent Select Committee on Intelligence of the House of Representatives.

SA 825. Mr. CORNYN (for himself and 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:

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

SEC. 342. 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 congressional defense committees a report on the cumulative effect of wind turbine projects on the safety, training, and readiness of Air Force pilots.

SA 826. Mr. TILLIS (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:

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

SEC. 1086. SENSE OF CONGRESS REGARDING AGREEMENT BETWEEN THE AMERICAN BATTLE MONUMENTS COMMISSION AND THE GOVERNMENT OF BELGIUM BY WHICH THE COMMISSION WOULD ACQUIRE, RESTORE, OPERATE, AND MAINTAIN THE MARDASSON MEMORIAL IN BASTOGNE, BELGIUM.

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

(1) The Battle of the Bulge was the largest land battle of World War II in which the United States fought, yielded more than 75,000 American casualties over the winter of 1944–1945, and stopped the final German offensive on the Western Front.

(2) The Battle of the Bulge is the second largest battle fought in the history of the United States Army.

(3) Following the war, Belgian groups raised funds to construct the Mardasson Memorial in Bastogne, Belgium, to honor Americans killed, wounded, and missing in action during the Battle of the Bulge.

(4) The Mardasson Memorial, inaugurated in 1950, is a five-pointed American star with the history of the battle, the names of the units that fought, and the names of the States engraved in gold letters throughout.

(5) The Mardasson Memorial, owned and maintained by the Government of Belgium, and the only memorial to the United States effort during the Battle of the Bulge, is in need of extensive repair to restore it to a condition commensurate to the service and sacrifice it honors.

(b) SENSE OF CONGRESS.—It is the sense of Congress to support an agreement between the American Battle Monument Commission (hereinafter referred to as ''ABMC'') and the Government of Belgium—

(1) under the monument maintenance program of the ABMC, and subject to the requirements of such program, by which the ABMC would use its expertise and presence in Europe to oversee restoration of the Mardasson Memorial in preparation for the 75th anniversary of the Battle of the Bulge; and

(2) under the monument trust fund program of the ABMC, and subject to the requirements of such program, by which the ABMC assumes ownership and responsibility for the Mardasson Memorial, ensuring that the Memorial stands for decades to come, honoring American service and sacrifice, and inspiring future generations.

SA 827. Mr. HAWLEY submitted an amendment intended to be proposed to

amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1272. REPORT ON IMPROVEMENTS TO DETERRENCE EFFORTS WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA AND THE RUSSIAN FEDERATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with Commander of the United States Indo-Pacific Command and the Commander of the United States European Command, shall submit to the congressional defense committees a report detailing efforts of the Department of Defense to improve the ability of the United States Armed Forces to conduct combined joint operations—

(1) to deny the ability of the People's Republic of China to execute a fait accompli against Taiwan; and

(2) 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 identify prioritized requirements for further improving the ability of the United States Armed Forces to conduct combined joint operations to achieve the objectives described in paragraphs (1) and (2) of that subsection.

(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.

(d) FAIT ACCOMPLI DEFINED.—In this section, the term ''fait accompli'' means a scenario in which the People's Republic of China or the Russian Federation uses force to rapidly seize territory and subsequently threatens further escalation, potentially including the use of nuclear weapons, to deter an effective response by the United States Armed Forces through combined joint operations.

SA 828. Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ILLEGAL BORDER CROSSINGS.

(a) FINDINGS.—Congress finds the following:

(1) During the first 5 months of May 2019, the United States Border Patrol has apprehended more than 593,000 people ilegally crossing the southern border of the United States, which represents more apprehension than in all of 2018.

(2) In May 2019, 132,887 people were apprehended by the United States Border Patrol, of whom more than 96,000 were part of family units or unaccompanied minors.

(3) This recent surge in illegal border crossings—

(A) has placed an unprecedented strain on the resources of the Department of Homeland Security, which has responded by directing U.S. Customs and Border Patrol resources away from legal ports of entry; and

(B) exceeds the capacity of the Department of Health and Human Services, which is responsible for the care of unaccompanied children who are apprehended at the border.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the recent surge of illegal border crossings—

(A) is a national security threat; and

(B) has put significant strain on the departments and agencies that are responsible for securing the border, implementing our Nation's immigration laws, and providing temporary housing for the people who are awaiting removal proceedings; and

(2) the recent increase in apprehensions along the southern border, coupled with the lack of sufficient resources at the Department of Homeland Security and the Department of Health and Human Services will further exacerbate this humanitarian crisis.

SA 829. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle F of title V, add the following:

SEC. 5____. PILOT PROGRAM ON EDUCATION SAVINGS ACCOUNTS FOR MILITARY DEPENDENT CHILDREN.

(a) IN GENERAL.—From amounts made available under subsection (k), the Secretary shall carry out a pilot program under which the Secretary shall establish education savings accounts for eligible military students to enable such students to attend public or private elementary schools or secondary schools selected by the students' parents.

(b) DURATION.—The pilot program under this section shall begin with the first school year that begins after the date of enactment of this section and shall terminate at the end of the fifth school year that begins after such date of enactment.

(c) SCOPE OF PROGRAM.—The Secretary shall select one military installation to participate in the pilot program under this section. In making such selection, the Secretary shall choose a military installation at which eligible military students will derive the greatest benefit from expanded educational options, as determined by the Secretary.

(d) DEPOSITS.—

(1) IN GENERAL.—The Secretary shall deposit funds in the amount specified in paragraph (2) into each education savings account established on behalf of an eligible military student under this section.

(2) AMOUNT OF DEPOSIT.—

(A) IN GENERAL.—The amount deposited into each education savings account awarded to an eligible military student shall be $6,000 for each school year.

(B) ADJUSTMENT FOR INFLATION.—For each school year after the first full school year of the program, the amount specified in subparagraph (A) shall be adjusted to reflect changes for the 12-month period ending the preceding June in the Chained Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(e) ELIGIBLE USES OF FUNDS.—Funds deposited into an education savings account under this section for a school year may be used by the parent of an eligible military student to make payments to a qualified educational service provider that is approved by the Secretary under subsection (f) for—

(1) costs of attendance at a private elementary school or secondary school recognized by the State, which may include a private school that has a religious mission;

(2) private online programs;

(3) private tutoring;

(4) services provided by a public elementary school or secondary school attended by the child on a less than full-time basis, including individual classes and extracurricular activities and programs;

(5) textbooks, curriculum programs, or other instructional materials, including any supplemental materials required by a curriculum program, private school, private online learning program, or a public school, or any parent directed curriculum associated with kindergarten through grade 12 education;

(6) educational services and therapies, including occupational, behavioral, physical, speech-language, and audiology therapies; or

(7) any other educational expenses approved by the Secretary.

(f) REQUIREMENTS FOR QUALIFIED EDUCATIONAL SERVICE PROVIDERS.—The Secretary shall establish and maintain a registry of qualified educational service providers that are approved to receive payments from an education savings account established under this section. The Secretary shall approve a qualified educational service provider to receive such payments if the provider demonstrates to the Secretary that it is licensed in the State in which it operates to provide one or more of the services for which funds may be expended under subsection (e).

(g) PARTICIPATION IN ONLINE MARKET PLACE.—As a condition of receiving funds from an education savings account, a qualified educational service provider shall make its services available for purchase through the online marketplace described in subsection (h).

(h) ONLINE MARKETPLACE.—The Secretary shall seek to enter into a contract with a private-sector entity under which the entity shall—

(1) establish and operate an online marketplace that enables the holder of an education savings account to make direct purchases from qualified educational service providers using funds from such account;

(2) ensure that each qualified educational service provider on the registry maintained by the Secretary under subsection (f) has made its services available for purchase through the online marketplace;

(3) ensure that all purchases made through the online marketplace are for services that are allowable uses of funds under this section; and

(4) develop and make available a standardized expense report form, in electronic and hard copy formats, to be used by parents for reporting expenses.

(i) IMPOSITION OF ADDITIONAL REQUIREMENTS.—No Federal requirements shall apply to a qualified educational service provider other than the requirements specifically set forth in this section. Nothing in this section shall be construed to require a qualified educational service provider to alter its creed, practices, admissions policy, or curriculum in order to be eligible to receive payments from an education savings account.

(j) REPORTS.—

(1) ANNUAL REPORTS.—Not later than July 30 of the first year of the pilot program, and

each subsequent year through the year in which the final report is submitted under paragraph (2), the Secretary shall prepare and submit to Congress an interim report on the accounts awarded under the pilot program under this section that includes the content described in paragraph (3) for the applicable school year of the report.

(2) FINAL REPORT.—Not later than 90 days after the end of the pilot program under this section, the Secretary shall prepare and submit to Congress a report on the accounts awarded under the pilot program that includes the content described in paragraph (3) for each school year of the program.

(3) CONTENT.—Each report under paragraphs (1) and (2) shall identify—

(A) the number of applicants for education savings accounts under this section;

(B) the number of elementary school students receiving education savings accounts under this section and the number of secondary school students receiving such savings accounts;

(C) the results of a survey, conducted by the Secretary, regarding parental satisfaction with the education savings account program under this section; and

(D) any other information the Secretary determines to be necessary to evaluate the effectiveness of the program.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2020 through 2024.

(l) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms ''child'', ''elementary school'', and ''secondary school'' have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE MILITARY STUDENT.—The term ''eligible military student'' means a child who—

(A) is a military dependent student;

(B) lives on the military installation selected to participate in the program under this section; and

(C) chooses to attend a participating school or purchase other approved education services, rather than attending the school otherwise assigned to the child.

(3) MILITARY DEPENDENT STUDENTS.—The term ''military dependent students'' has the meaning given the term in section 572(e) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b(e)).

(4) QUALIFIED EDUCATIONAL SERVICE PROVIDER.—The term ''qualified educational service provider'' means an entity or person that is licensed by a State to provide one or more of the educational services for which funds may be expended under subsection (e), including—

(A) a private school;

(B) a nonpublic online learning program or course provider;

(C) a State institution of higher education, which may include a community college or a technical college;

(D) a public school;

(E) a private tutor or entity that operates a tutoring facility;

(F) a provider of educational materials or curriculum;

(G) a provider of education-related therapies or services; or

(H) any other provider of educational services licensed by a State to provide such services.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

SA 830. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 729. STUDY ON USE OF ROUTINE NEUROIMAGING MODALITIES IN DIAGNOSIS, TREATMENT, AND PREVENTION OF BRAIN INJURY DUE TO BLAST PRESSURE EXPOSURE DURING COMBAT AND TRAINING.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility and effectiveness of the use of routine neuroimaging modalities in the diagnosis, treatment, and prevention of brain injury among members of the Armed Forces due to one or more blast pressure exposures during combat and training.

(b) REPORTS.—

(1) INTERIM REPORT.—Not later than one year 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 an interim report on the methods and action plan for the study under subsection (a).

(2) FINAL REPORT.—Not later than two years after the date on which the Secretary begins the study under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of such study.

SA 831. Ms. HARRIS submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXX, add the following:

SEC. 3022. INVESTIGATION OF REPORTS OF REPRISALS RELATING TO PRIVATIZED MILITARY HOUSING AND TREATMENT AS MATERIAL BREACH.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2890 the following new section:

''§ 2890a. Investigation of reports of reprisals and treatment as material breach

''(a) IN GENERAL.—The Chief Housing Officer designated under section 2872b of this title, in coordination with the Secretary of the military department concerned, shall investigate all reports of reprisal against a member of the armed forces for reporting an issue relating to a housing unit under this subchapter.

''(b) MATERIAL BREACH.—If the Chief Housing Officer, in coordination with the Secretary of the military department concerned, determines under subsection (a) that a landlord has retaliated against a member of the armed forces for reporting an issue relating to a housing unit under this subchapter, the landlord shall be deemed to have committed a material breach of the contract of the landlord for purposes of section 2874b(1) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2890 the following new item:

''2890a. Investigation of reports of reprisals and treatment as material breach.''.

SA 832. Ms. MURKOWSKI (for herself and Mr. BLUMENTHAL) 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. _____. JUSTICE FOR SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Servicemembers Act''.

(b) PURPOSES.—The purposes of this section are—

(1) to prohibit predispute arbitration agreements that force arbitration of disputes arising from claims brought under chapter 43 of title 38, United States Code, and the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.); and

(2) to prohibit agreements and practices that interfere with the right of persons to participate in a joint, class, or collective action related to disputes arising from claims brought under the provisions of the laws described in paragraph (1).

(c) ARBITRATION OF DISPUTES INVOLVING THE RIGHTS OF SERVICEMEMBERS AND VETERANS.—

(1) IN GENERAL.—Title 9, United States Code, is amended by adding at the end the following:

''CHAPTER 4—ARBITRATION OF SERVICEMEMBER AND VETERAN DISPUTES

''Sec.
''401. Definitions.
''402. No validity or enforceability.

''§ 401. Definitions

''In this chapter—

''(1) the term 'predispute arbitration agreement' means an agreement to arbitrate a dispute that has not yet arisen at the time of the making of the agreement; and

''(2) the term 'predispute joint-action waiver' means an agreement, whether or not part of a predispute arbitration agreement, that would prohibit, or waive the right of, one of the parties to the agreement to participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement.

''§ 402. No validity or enforceability

''(a) IN GENERAL.—Notwithstanding any other provision of this title, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a dispute relating to disputes arising under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

''(b) APPLICABILITY.—

''(1) IN GENERAL.—An issue as to whether this chapter applies with respect to a dispute shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by a court,

rather than an arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.

''(2) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of a worker to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Title 9 of the United States Code is amended—

(i) in section 1 by striking ''of seamen,'' and all that follows through ''interstate commerce'' and inserting ''persons and causes of action under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)'';

(ii) in section 2 by inserting ''or as otherwise provided in chapter 4'' before the period at the end;

(iii) in section 208—

(I) in the section heading, by striking ''**Chapter 1; residual application**'' and inserting ''**Application**''; and

(II) by adding at the end the following: ''This chapter applies to the extent that this chapter is not in conflict with chapter 4.''; and

(iv) in section 307—

(I) in the section heading, by striking ''**Chapter 1; residual application**'' and inserting ''**Application**''; and

(II) by adding at the end the following: ''This chapter applies to the extent that this chapter is not in conflict with chapter 4.''.

(B) TABLE OF SECTIONS.—

(i) CHAPTER 2.—The table of sections for chapter 2 of title 9, United States Code, is amended by striking the item relating to section 208 and inserting the following:

''208. Application.''.

(ii) CHAPTER 3.—The table of sections for chapter 3 of title 9, United States Code, is amended by striking the item relating to section 307 and inserting the following:

''307. Application.''.

(C) TABLE OF CHAPTERS.—The table of chapters of title 9, United States Code, is amended by adding at the end the following:

''4. Arbitration of servicemember and veteran disputes ..... 401''.

(d) LIMITATION ON WAIVER OF RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—

(1) AMENDMENTS.—Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is amended—

(A) in the second sentence, by inserting ''and if it is made after a specific dispute has arisen and the dispute is identified in the waiver'' before the period at the end; and

(B) in the third sentence by inserting ''and if it is made after a specific dispute has arisen and the dispute is identified in the waiver'' before the period at the end.

(2) APPLICATION OF AMENDMENTS.—The amendments made by paragraph (1) shall apply with respect to waivers made on or after the date of the enactment of this Act.

(e) APPLICABILITY.—This section, and the amendments made by this section, shall apply with respect to any dispute or claim that arises or accrues on or after the date of enactment of this Act.

SA 833. Mr. MURPHY 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 V, add the following:

SEC. 594. PILOT PROGRAM ON DIGITAL ENGINEERING FOR THE JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PILOT PROGRAM.—The Secretary of Defense may carry out a pilot program in accordance with this section to assess the feasibility and advisability of activities to enhance the preparation of students in the Junior Reserve Officers' Training Corps for careers in digital engineering.

(b) COORDINATION.—In carrying out the pilot program, the Secretary of Defense may coordinate with the following:

(1) The Secretary of Education.

(2) The National Science Foundation.

(3) The heads of such other Federal, State, and local government entities as the Secretary of Defense considers appropriate.

(4) Such private sector organizations as the Secretary of Defense considers appropriate.

(c) ACTIVITIES.—Activities under the pilot program may include the following:

(1) Establishment of targeted internships and cooperative research opportunities in digital engineering at defense laboratories, test ranges, and other organizations for students in and instructors of the Junior Reserve Officers' Training Corps.

(2) Support for training and other support for instructors to improve digital engineering education activities relevant to Junior Reserve Officers' Training Corps programs and students.

(3) Efforts and activities that improve the quality of digital engineering education, training opportunities, and curricula for students and instructors.

(4) Development of professional development opportunities, demonstrations, mentoring programs, and informal education for students and instructors.

(d) METRICS.—The Secretary of Defense shall establish outcome-based metrics and internal and external assessments to evaluate the merits and benefits of activities conducted under the pilot program with respect to the needs of the Department of Defense.

(e) AUTHORITIES.—In carrying out the pilot program, the Secretary of Defense may use the authorities under chapter 111 and sections 2363, 2605, and 2374a of title 10, United States Code, and such other authorities the Secretary considers appropriate.

(f) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any activities carried out under the pilot program.

SA 834. Mr. PETERS (for himself and 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. _____. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) SHORT TITLE.—This section may be cited as the ''Securing America's Ports of Entry Act of 2019''.

(b) ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.—

(1) OFFICERS.—The Commissioner of U.S. Customs and Border Protection shall hire, train, and assign not fewer than 600 new Office of Field Operations officers above the current attrition level during every fiscal year until the total number of Office of Field Operations officers equals and sustains the requirements identified each year in the Workload Staffing Model.

(2) SUPPORT STAFF.—The Commissioner is authorized to hire, train, and assign support staff, including technicians, to perform non-law enforcement administrative functions to support the new Office of Field Operations officers hired pursuant to paragraph (1).

(3) TRAFFIC FORECASTS.—In calculating the number of Office of Field Operations officers needed at each port of entry through the Workload Staffing Model, the Office of Field Operations shall—

(A) rely on data collected regarding the inspections and other activities conducted at each such port of entry; and

(B) consider volume from seasonal surges, other projected changes in commercial and passenger volumes, the most current commercial forecasts, and other relevant information.

(4) GAO REPORT.—If the Commissioner does not hire the 600 additional Office of Field Operations officers authorized under paragraph (1) during fiscal year 2020, or during any subsequent fiscal year in which the hiring requirements set forth in the Workload Staffing Model have not been achieved, the Comptroller General of the United States shall—

(A) conduct a review of U.S. Customs and Border Protection hiring practices to determine the reasons that such requirements were not achieved and other issues related to hiring by U.S. Customs and Border Protection; and

(B) submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the results of the review conducted under subparagraph (A).

(c) PORTS OF ENTRY INFRASTRUCTURE ENHANCEMENT REPORT.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that identifies—

(1) infrastructure improvements at ports of entry that would enhance the ability of Office of Field Operations officers to interdict opioids and other drugs that are being illegally transported into the United States, including a description of circumstances at specific ports of entry that prevent the deployment of technology used at other ports of entry;

(2) detection equipment that would improve the ability of such officers to identify opioids, including precursors and derivatives, that are being illegally transported into the United States; and

(3) safety equipment that would protect such officers from accidental exposure to such drugs or other dangers associated with the inspection of potential drug traffickers.

(d) REPORTING REQUIREMENTS.—

(1) TEMPORARY DUTY ASSIGNMENTS.—

(A) QUARTERLY REPORT.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Executive Assistant Commissioner of the Office of Field Operations, shall submit a quarterly report to the appropriate congressional committees that includes, for the reporting period—

(i) the number of temporary duty assignments;

(ii) the number of U.S. Customs and Border Protection employees required for each temporary duty assignment;

(iii) the ports of entry from which such employees were reassigned;

(iv) the ports of entry to which such employees were reassigned;

(v) the ports of entry at which reimbursable service agreements have been entered into that may be affected by temporary duty assignments;

(vi) the duration of each temporary duty assignment; and

(vii) the cost of each temporary duty assignment.

(B) SOUTHWEST BORDER.—The report required under subparagraph (A) shall identify, with respect to each of the statistics described in clauses (i) through (vii) of such subparagraph, information relating to preventing or responding to illegal entries along the southwest border of the United States, including the costs relating to temporary redeployments along the southwest border.

(C) NOTICE.—Not later than 10 days before redeploying employees from 1 port of entry to another, absent emergency circumstances—

(i) the Commissioner of U.S. Customs and Border Protection shall notify the director of the port of entry from which employees will be reassigned of the intended redeployments; and

(ii) the port director shall notify impacted facilities (including airports, seaports, and land ports) of the intended redeployments.

(D) STAFF BRIEFING.—The Commissioner of U.S. Customs and Border Protection, in consultation with the Assistant Commissioner of the Office of Field Operations, shall brief all affected U.S. Customs and Border Protection employees regarding plans to mitigate vulnerabilities created by any planned staffing reductions at ports of entry.

(2) REIMBURSABLE SERVICES AGREEMENTS QUARTERLY REPORT.—The Commissioner of U.S. Customs and Border Protection shall submit a quarterly report to the appropriate congressional committees regarding the use of reimbursable service agreements by U.S. Customs and Border Protection, which shall include—

(A) the governmental or private entities with an active reimbursable service agreement, including the locations at which the contracted services are being performed;

(B) a description of the factors that were considered before entering into each of the active reimbursable service agreements referred to in subparagraph (A);

(C) the number of hours that U.S. Customs and Border Protection Officers worked during the reporting period in fulfillment of responsibilities agreed to under each of the reimbursable service agreements; and

(D) the total costs incurred by U.S. Customs and Border Protection relating to each reimbursable service agreement, including the amount of such costs that were reimbursed by the contracted entity.

(3) ANNUAL WORKLOAD STAFFING MODEL REPORT.—As part of the Annual Report on Staffing required under section 411(g)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)(A)), the Commissioner shall include—

(A) information concerning the progress made toward meeting the Office of Field Operations officer and support staff hiring targets set forth in subsection (b), while accounting for attrition;

(B) an update to the information provided in the Resource Optimization at the Ports of Entry report, which was submitted to Congress on September 12, 2017, pursuant to the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31); and

(C) a summary of the information included in the quarterly reports required under paragraphs (1) and (2).

(4) DEFINED TERM.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $80,908,929 for fiscal year 2020; and

(2) $97,132,268 for each of the fiscal years 2021 through 2026.

SA 835. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 589. HONORARY PROMOTION OF COLONEL CHARLES E. MCGEE TO BRIGADIER GENERAL IN THE AIR FORCE.

The President is authorized to issue an appropriate honorary commission promoting to brigadier general in the Air Force Colonel Charles E. McGee, United States Air Force (retired), a distinguished Tuskegee Airman whose honorary promotion has the recommendation of the Secretary of the Air Force in accordance with the provisions section 1563 of title 10, United States Code.

SA 836. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 5546 the following:

SEC. 5547. LIMITATIONS AND REQUIREMENTS IN CONNECTION WITH SEPARATIONS FOR MEMBERS OF THE ARMED FORCES WHO SUFFER FROM MENTAL HEALTH CONDITIONS IN CONNECTION WITH A SEX-RELATED, INTIMATE PARTNER VIOLENCE-RELATED, OR SPOUSAL-ABUSE OFFENSE.

(a) CONFIRMATION OF DIAGNOSIS OF CONDITION REQUIRED BEFORE SEPARATION.—Before a member of the Armed Forces who was the victim of a sex-related offense, an intimate partner violence-related offense, or a spousal-abuse offense during service in the Armed Forces (whether or not such offense was committed by another member of the Armed Forces), and who has a mental health condition not amounting to a physical disability, is separated, discharged, or released from the Armed Forces based solely on such condition, the diagnosis of such condition must be—

(1) corroborated by a competent mental health care professional at the peer level or a higher level of the health care professional making the diagnosis; and

(2) endorsed by the Surgeon General of the military department concerned.

(b) NARRATIVE REASON FOR SEPARATION IF MENTAL HEALTH CONDITION PRESENT.—If the narrative reason for discharge, separation, or release from the Armed Forces of a member of the Armed Forces is a mental health condition that is not a disability, the appropriate narrative reason for the discharge, separation, or release shall be condition, not a disability, or Secretarial authority.

(c) DEFINITION.—In this section:

(1) The term ''intimate partner violence-related offense'' means the following:

(A) An offense under section 928 or 930 of title 10, United States Code (article 128 or 130 of the Uniform Code of Military Justice).

(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(2) The term ''sex-related offense'' means the following:

(A) An offense under section 920 or 920b of title 10, United States Code (article 120 or 120b of the Uniform Code of Military Justice).

(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(3) The term ''spousal-abuse offense'' means the following:

(A) An offense under section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice).

(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(d) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act, and shall apply with respect to separations, discharges, and releases from the Armed Forces that occur on or after that effective date.

SA 837. Mr. TOOMEY (for himself, Mr. JONES, and Mrs. CAPITO) 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. ___. BLOCKING FENTANYL IMPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Blocking Deadly Fentanyl Imports Act''.

(b) AMENDMENT TO DEFINITION OF MAJOR ILLICIT DRUG PRODUCING COUNTRY.—Section 481(e)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''in which'';

(2) in subparagraph (A), by inserting ''in which'' before ''1,000'';

(3) in subparagraph (B)—

(A) by inserting ''in which'' before ''1,000''; and

(B) by striking ''or'' at the end;

(4) in subparagraph (C)—

(A) by inserting ''in which'' before ''5,000''; and

(B) by inserting ''or'' after the semicolon; and

(5) by adding at the end the following:

''(D) that is a significant source of illicit synthetic opioids and related illicit precursors significantly affecting the United States;''.

(c) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following:

''(9) A separate section that contains the following:

''(A) An identification of the countries, to the extent feasible, that are the most significant sources of illicit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

''(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States to prevent the articles or chemicals described in subparagraph (A) from being exported from such country to the United States.

''(C) A description of whether each country identified pursuant to subparagraph (A) has adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;

''(D) A description of whether each country identified pursuant to subparagraph (A) is following steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)); and

''(E) A description of whether each country identified pursuant to subparagraph (A) requires the registration of tableting machines and encapsulating machines or other measures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has not made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines.''.

(d) WITHHOLDING OF BILATERAL AND MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(A) in paragraph (1), by striking ''or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting ''country identified pursuant to section 489(a)(8)(A), or country twice identified pursuant to section 489(a)(9)(A)''; and

(B) in paragraph (2), by striking ''or major drug-transit country (as determined under subsection (h)) or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting '', major drug-transit country, country identified pursuant to section 489(a)(8)(A), or country twice identified pursuant to section 489(a)(9)(A)''.

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''also'';

(B) in subparagraph (A)(ii), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (E);

(D) by inserting after subparagraph (A) the following:

''(B) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has failed to adopt and utilize scheduling procedures for illicit drugs that are comparable to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;''; and

(E) in subparagraph (E), as redesignated, by striking ''so designated'' and inserting ''designated under subparagraph (A), (B), (C), or (D)''.

(3) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR DISTRIBUTION OF FENTANYL ANALOGUES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as amended by paragraph (2), is further amended by inserting after subparagraph (B) the following:

''(C) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that has not taken significant steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32));''.

(4) DESIGNATION OF ILLICIT FENTANYL COUNTRIES THAT DO NOT REQUIRE THE REGISTRATION OF PILL PRESSES AND TABLETING MACHINES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as amended by paragraphs (2) and (3), is further amended by inserting after subparagraph (C) the following:

''(D) designate each country, if any, identified under section 489(a)(9) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(9)) that—

''(i) does not require the registration of tableting machines and encapsulating machines in a manner comparable to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations; and

''(ii) has not made good faith efforts (in the opinion of the Secretary) to improve the regulation of tableting machines and encapsulating machines; and''.

(5) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—Section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(3)) is amended by striking ''also designated under paragraph (2) in the report'' and inserting ''designated in the report under paragraph (2)(A) or twice designated in the report under subparagraph (B), (C), or (D) of paragraph (2)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 838. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1086. ANNUAL REPORTS ON FEDERAL PROJECTS THAT ARE OVER BUDGET AND BEHIND SCHEDULE.

(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 program, project, or activity other that a program, project, or activity funded by mandatory spending.

(b) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Director of the Office of Management and Budget shall submit to Congress and post on the website of the Office of Management and Budget a report on each project funded by a covered agency (other than a program currently subject to reporting requirements under section 2433 of title 10 United States Code (commonly referred to as the ''Nunn-McCurdy Amendment''))—

(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, including—

(A) the purpose of the project;

(B) each location in which the project is carried out;

(C) the year in which the project was initiated;

(D) the Federal share of the total cost of the project; and

(E) each primary contractor, subcontractor, grant recipient, and subgrantee recipient 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 requirements of the project;

(3) the original expected date for completion of the project;

(4) the current expected date for completion 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 completion or increase in the original cost estimate for the project; and

(8) the amount of and rationale for any award, incentive fee, or other type of bonus, if any, awarded for the project.

(d) SUBMISSION WITH BUDGET.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

''(40) 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 839. Ms. BALDWIN (for herself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military

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

At the end of subtitle A of title VII, add the following:

SEC. 705. CHIROPRACTIC HEALTH CARE SERVICES FROM THE DEPARTMENT OF DEFENSE FOR CERTAIN COVERED BENEFICIARIES.

(a) PLAN REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall complete development of a plan to provide chiropractic health care services and benefits for eligible covered beneficiaries as a permanent part of the TRICARE program.

(b) CONTENTS OF PLAN.—The plan developed under subsection (a) shall require that a contract entered into under section 1097 of title 10, United States Code, for the delivery of health care services shall—

(1) include the delivery of chiropractic services to eligible covered beneficiaries;

(2) require that chiropractic services may be provided only by a doctor of chiropractic; and

(3) provide that an eligible covered beneficiary may select and have direct access to a doctor of chiropractic without referral by another health practitioner.

(c) IMPLEMENTATION OF PLAN.—The plan developed under subsection (a) shall provide for implementation of the plan to begin not later than 60 days after the date on which the plan is completed.

(d) DEFINITIONS.—In this section:

(1) The term ''chiropractic services''—

(A) includes diagnosis (including by diagnostic x-ray tests), evaluation and management, and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary of Defense and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term ''covered beneficiary'' has the meaning given that term in section 1072(5) of title 10, United States Code.

(3) The term ''eligible covered beneficiary'' means a covered beneficiary excluding a dependent of a member or former member of a uniformed service.

(4) The term ''dependent'' has the meaning given that term in section 1072(2) of title 10, United States Code.

(5) The term ''doctor of chiropractic'' means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

(6) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 840. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON USE OF ENCRYPTION BY DEPARTMENT OF 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 the congressional defense committees a report detailing the mission need and efficacy of full disk encryption across NIPRNET and SIPRNET endpoint computer systems, including the cost, mission impact, and implementation timeline.

SA 841. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Section 5211 is amended to read as follows:

SEC. 5211. DEVELOPMENT AND ACQUISITION STRATEGY TO PROCURE SECURE, LOW PROBABILITY OF DETECTION DATA LINK NETWORK CAPABILITY.

The text of subsections (a) through (c) of section 211 are hereby deemed to read as follows:

''(a) STRATEGY REQUIRED.—Not later than April 1, 2020, the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Chief of Staff of the Army shall jointly submit to the congressional defense committees a joint development and acquisition strategy to procure a secure, low probability of detection data link network capability, with the ability to effectively operate in hostile jamming environments while preserving the low observability characteristics of the relevant platforms, including both existing and planned platforms.

''(b) NETWORK CHARACTERISTICS.—The data link network capability to be procured pursuant to the development and acquisition strategy submitted under subsection (a) shall—

''(1) ensure that any network made with such capability will be low risk and affordable, with minimal impact or change to existing host platforms and minimal overall integration costs;

''(2) use a non-proprietary and open systems approach compatible with the Rapid Capabilities Office Open Mission Systems initiative of the Air Force and the Future Airborne Capability Environment initiative of the Navy; and

''(3) provide for an architecture to connect, with operationally relevant throughput and latency—

''(A) fifth-generation combat aircraft;

''(B) fifth-generation and fourth-generation combat aircraft;

''(C) fifth-generation and fourth-generation combat aircraft and appropriate support aircraft and other network nodes for command, control, communications, intelligence, surveillance, and reconnaissance purposes; and

''(D) fifth-generation and fourth-generation combat aircraft and their associated network-enabled precision weapons.

''(c) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2020 for operations and maintenance for the Office of the Secretary of the Air Force, for operations and maintenance for the Office of the Secretary of the Navy, and for operations and maintenance for the Office of the Secretary of the Army, not more than 75 percent may be obligated or expended until the date that is 15 days after the date on which the Chief of Staff of the Air Force, the Chief of Naval Operations, and the Chief of Staff of the Army submit the development and acquisition strategy required by subsection (a).''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 7 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, June 20, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, June 20, 2019, at 9:45 a.m., to conduct a hearing on the nomination of Robert Wallace, of Wyoming, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, June 20, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, June 20, 2019, at 9:45 a.m., to conduct a hearing on the following nominations: Andrew P. Bremberg, of Virginia, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador, Philip S. Goldberg, of the District of Columbia, to be Ambassador to the Republic of Colombia, Doug Manchester, of California, to be Ambassador to the Commonwealth of The Bahamas, Adrian Zuckerman, of New Jersey, to be Ambassador to Romania, Richard B. Norland, of Iowa, to be Ambassador to Libya, Jonathan R. Cohen, of California, to be Ambassador to the Arab Republic of Egypt, and John Rakolta, Jr., of Michigan, to be Ambassador to the United Arab Emirates, all of the Department of State, and other pending nominations.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, June 20, 2019, at 10 a.m., to conduct a hearing on the following nominations: Daniel Aaron Bress, of California, to be United States Circuit Judge for the Ninth Circuit, Peter Joseph Phipps, of Pennsylvania, to be United States Circuit